

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84983 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- SHEOHAR District- Sheohar

1. VIRENDRA SAHNI son of Ramanandan Sahni Village- Samagya Malahi Ps- Madhuban Dist- E.Champaran
2. Puja Devi wife of Virendra Sahni Village- Samagya Malahi Ps- Madhuban Dist- E.Champaran
3. Anil Sahni son of Shambhu Sahni Village- Sahpur Ps- Dist- Sheohar
4. Vimla Devi wife of Shambhu Sahni Village- Sahpur Ps- Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate.
For the Opposite Party/s : Mr.Binod Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 07-03-2024 Heard Mr. Uday Kumar, learned counsel appearing on behalf of the petitioners and Mr. Binod Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Sheohar P.S. Case No. 19 of 2023 registered for the offence punishable under Sections 341, 323, 307, 448, 379 and 504/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the petitioners who are family members and have been made accused in the F.I.R. by the informant who is the Gotiya of the petitioners brutally assaulted the family members of the



informant in which three persons including the informant sustained grievous injury.

4. Mr. Uday Kumar, learned counsel appearing on behalf of the petitioners submitted that general and omnibus allegation has been alleged against the petitioners. The specific allegation is against co-accused Sanjay Sahni who had assaulted on the head of the informant causing two head injuries which are grievous in nature as it would appear from the impugned order. He submits that petitioner no.2 is the daughter of the brother of the informant namely Shambhu Sahni and petitioner no.4 is the wife of Shambhu Sahni. Co-accused Shambhu Sahni is own brother of the informant Rama Sahni.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties and having perused the allegation made in the F.I.R., it appears that the petitioner nos. 1 and 2 are of different village situated in District East Champaran while petitioner nos. 3 and 4 are of same village and gotiya of the informant are on inimical terms with the informant. Petitioner no.3 is the son of Shambhu Sahni and no specific allegation against him has been alleged. It has been recorded in the impugned order that three of



the family members of the informant's side had sustained grievous injury. So far as petitioner no.4 is concerned, she is closely related with the accused persons who have caused grievous injury to three family members of the informant's side and same has been recorded in the impugned order. I am of the opinion that petitioner no.4 don't deserve to be released on bail. Petitioner no.4 may surrender before the court below and seek regular bail and on the same day, the District Court is directed to consider the regular bail of the petitioner no.4 on merits and pass a reasoned order on the basis of materials on record.

7. So far as petitioner nos. 1, 2 and 3 are concerned, they are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Sheohar in connection with Sheohar P.S. Case No. 19 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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