

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80817 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- MUSAHARI District- Muzaffarpur

1. Sundeshwar Kumar Son Of Nathuni Sahani Resident Of Village- Aathar Bansman, P.S. - Mushahari, District - Muzaffarpur
2. Sonu Kumar Son Of Nathuni Sahani Resident Of Village - Aathar Bansman, P.S. - Mushahari, District - Muzaffarpur
3. Kunni Devi Wife Of Nathuni Sahani Resident Of Village - Aathar Bansman, P.S. - Mushahari, District - Muzaffarpur
4. Sita Devi Wife Of Sunil Sahani Resident Of Village - Aathar Bansman, P.S. - Mushahari, District - Muzaffarpur
5. Raj Kishore Sahni Son Of Late Anuplal Sahani Resident Of Village - Aathar Bansman, P.S. - Mushahari, District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar with Mr.Rajeev Ranjan No.II Advocates
For the Opposite Party/s	:	Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Mushahari P.S. Case No. 127 of 2023 dated 19-05-2023, instituted for the offence punishable under Sections 341, 323, 307, 354, 447, 448, 504 and 506/34 of the Indian Penal Code.

3. As per allegation in the FIR, the petitioners have abused and assaulted the informant and his family members. It



is alleged that while the petitioner no.2, namely, Sonu Kumar caught hold of the informant, petitioner no.1, namely, Sundeshwar Kumar assaulted him with sword causing injury on his head. Further allegation is that petitioner no.5, namely, Raj Kishore Sahni is alleged to have assaulted the wife of the informant by catching her hair. When his family members came to rescue him then all the accused persons assaulted them and it is alleged that petitioner no.3, namely, Kunni Devi snatched the *Mangalsutra* from the informant's wife.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that specific allegation of assaulting the informant by means of sword on his head is attributed against petitioner no.1. As per Injury report of the informant, which is annexed with the case diary, does not corroborate the prosecution case. The cause of injury mentioned in the injury report, is by hard and blunt substance and nature of injury is mentioned as simple. It is submitted that there is case and counter case between the parties. A complaint case bearing complaint case no. 1538 of 2023 was filed by one of the petitioners, namely, Sita Devi against the informant of the instant case and in retaliation, the present case has been filed by



the informant to save his skin from the complaint case lodged by petitioner no.4. It is submitted that petitioners and informant are neighbors and there is admitted enmity between them. Lastly, it is submitted that petitioner nos. 1, 2 and 5 have no criminal antecedents whereas, one criminal case is pending against the petitioner nos. 3 and 4, in which, they are on bail.

5. Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Mushahari P.S. Case No. 127 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM 1st Class, Muzaffarpur or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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