

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78531 of 2023

Arising Out of PS. Case No.-517 Year-2022 Thana- PURNEA SADAR District- Purnia

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1. ARJUN SHANI @ ARJUN SAHNI Son of Gorakh Sahni @ Sukhdev Sahni
R/o vill - Polo Garam Gulabbag, P.s. - Sadar, Distt. - Purnea
 2. Bisnu Sahni @ Bisnu Kumar Sah Son of Rampukar Sah R/o vill - Polo
Garam Gulabbag, P.s. - Sadar, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-01-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Sadar Police Station Case No. 517 of 2022, disclosing
offences under Sections 341, 342, 323, 307, 506, 34 of
the Indian Penal Code.
3. As per the prosecutions case, the elder son of the
informant Saurabh Kumar started giving tuition and for
the last three years, he was giving tuition to the children
of Kamal Kumar Sahni and other accused persons. The
co-accused Kamal Kumar Sahni had taken Rs. 10,000/-
from informant's son as a loan and tuition fee and other
cash money, amounting to Rs. 38,000/- was due to the
informant's son to be paid by the co-accused Kamal



Kumar Sahni and others. On 08.07.2022, in the morning, when the informant's son, Saurabh Kumar, demanded his money back, all the accused persons including the petitioners locked him in a room and assaulted him with brick, iron rod, stick etc. In the assault, subsequently, Ajay Sahni, Pramanand Sahni, Bramha Sahni and petitioner No. 2 also joined and assaulted the informant's son mercilessly.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to money dispute between the son of the informant and the accused persons. Learned counsel next submits that occurrence has taken place on 08.07.2022 but the F.I.R. has been lodged after a delay of eight days i.e., on 16.07.2022. Referring to Annexure 4, which is the injury report, learned counsel submits that the injury report is of the private hospital and shows the nature of the injury as grievous. He further submits that the police was not informed by the hospital at the time of admission of the victim/informant's son in the hospital which is the mandatory duty to be performed by the government hospital or the private hospital. Learned counsel next



submits that since the dispute, between the parties, was private dispute relating to money a compromise has been arrived at between the parties and a joint compromise petition has been filed before the Court of Chief Judicial Magistrate, Purnea, vide Annexure 3.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is an inordinate delay in lodging the F.I.R., the injury report was prepared by the private hospital and the concerned hospital did not inform the police at the time of admission for treatment of the informant's son and the fact that both the parties have submitted a compromise petition before the Chief Judicial Magistrate, Purnea, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, Arjun Shani @ Arjun Sahni, Bisnu Sahni @ Bisnu Kumar Sah, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Sadar Police Station Case No.



517 of 2022, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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