

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84544 of 2023**

Arising Out of PS. Case No.-149 Year-2023 Thana- SIDHWALIYA District-
Gopalganj

- =====
1. HEMWANTI DEVI @ HEWANTI DEVI W/O NOKHI SAHANI VILLAGE-SADAUAN, PS. SIDHWALIA, DIST. GOPALGANJ, BIHAR
 2. KISHORE SAHANI @ RAJ KISHORE SAHANI S/O NOKHI SAHANI @ NIKHIL SAHANI VILLAGE- SADAUAN, PS. SIDHWALIA, DIST. GOPALGANJ, BIHAR
 3. MUNNA SAHANI S/O NOKHI SAHANI @ NIKHIL SAHANI VILLAGE-SADAUAN, PS. SIDHWALIA, DIST. GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan

For the Opposite Party/s : Mr. Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Indrajeet Bhushan, learned counsel for the

petitioners and Mr. Mohammand Sufyan, learned A.P.P. for the

State as well as learned counsel appearing for the informant.

The petitioners apprehend their arrest in connection
with Sidhwalia P.S. Case No.149 of 2023 registered for the offence
under Sections 341, 323, 324, 325, 447, 504, 506 and 34 of the
Indian Penal Code.

The petitioners along with others are alleged to have
assaulted the informant and his family members by means of
deadly weapons causing them injuries.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent



and have falsely been implicated in this case. He further submits that from bare perusal of the F.I.R., it appears that there is no specific allegation of assault or any overt act is attributed to the petitioner Nos. 1 and 3, however, petitioner No.2 is alleged to have assaulted the informant, Jagu Sahni, who is informant, by means of rod but the injury report of the informant suggest that he has sustained simple injury caused by a hard and blunt substance.

Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioners and the submits that the petitioners along with all the accused persons have assaulted the informant and his family members causing them injuries.

Considering the facts and circumstances of the case and the nature of allegation against the petitioners, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st, Class, Gopalganj in connection with Sidhwalia P.S. Case No. 149 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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