

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.881 of 2024

Arising Out of PS. Case No.-168 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. PREM KUMAR SAHNI @ PREM SAHNI SON OF LATE BHOLTI SAHNI RESIDENT OF VILLAGE - KUMBHI WARD NO.10, P.S. - CHERIA BARIYARPUR, DISTRICT - BEGUSARAI
 2. VIKRAM KUMAR SAHNI @ VIKRAM SAHNI @ VIKRAM KUMAR SON OF MALIK SAHNI RESIDENT OF VILLAGE - KUMBHI WARD NO.10, P.S. - CHERIA BARIYARPUR, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.
For the Opposite Party/s : Mr.Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 379, 354(B), 504, 506 of the Indian Penal Code.

3. Allegedly, after some altercation, all the accused persons including the petitioners are said to have assaulted the informant and her husband brutally with deadly weapons due to which they sustained injuries. Petitioner no.1 assaulted the informant by means of butt of pistol, whereas petitioner no.2



assaulted the husband of the informant by means of an iron rod.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and they have committed no offence. No such occurrence as alleged has ever taken place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is case and counter case between the parties. The injury sustained by the informant is simple in nature. There is inordinate and abnormal delay of four days in lodging the FIR without assigning any plausible and convincing reason for the said delay. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that the husband of the informant sustained grievous injury and petitioner no.2 is the author of the said grievous injury, hence he does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner no.1, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Cheria Bariyarpur P.S. Case No. 168 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, there is serious allegation against petitioner no.2 to assault the husband of the informant due to which he sustained grievous injury, I am not inclined to enlarge petitioner no.2 on bail. The prayer for bail of the petitioner no.2 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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