

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39594 of 2025

Arising Out of PS. Case No.-171 Year-2020 Thana- HARSIDHI District- East Champaran

Harinandan Sahani S/o Late Ganesh Sahani R/o Village- Kathaiya, P.S.-
Harsidhi, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Harsidhi P.S. Case No. 171 of 2020, dated 11.05.2020, lodged under Sections 341, 323, 354(B), 504 & 34 of the Indian Penal Code. Later on Sections 307 & 326 of the Indian Penal Code were also added.

3. As per the prosecution, FIR has been lodged against 12 named accused persons, including the present petitioner, alleging that a scuffle took place over the issue of keeping wheat chaff (*Bhusa*), and when the informant objected, the accused persons attacked the informant and her daughter-in-law, causing injuries. The specific allegation against the petitioner is that he assaulted the daughter-in-law of the informant with an iron rod.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He further submits that the petitioner is an old man, aged about 78 years, and although four criminal cases are pending against him, he is on bail in three of them, and in the on case, he is pursuing bail. Counsel further submits that all the cases have been filed due to a family land dispute. It is also submitted that for the same date and place of occurrence, a case and counter-case have been lodged between the parties. The petitioners' side has filed Harsidhi P.S. Case No. 170 of 2020, while the informant's side has lodged Harsidhi P.S. Case No. 171 of 2020.

5. Counsel further submits that the injury has been discussed by the Sessions Court in its order. It has been acknowledged by the Sessions Court in the rejection order that the injury report of Alka Devi (daughter-in-law of the informant) indicates that she sustained an incised wound on the left parieto-occipital region of the scalp, which is a vital part of the body, and the injury has been classified as grievous in nature. Counsel further submits that the injury acknowledged by the Sessions Court in the order sheet does not align with the location mentioned in the FIR, as the medical report identifies the injury in the scalp region, whereas the allegation in the FIR refers to an injury to the stomach. In view of this inconsistency,



the allegation made in the FIR does not appear to be correct.

6. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that the injury sustained by Alka Devi (daughter-in-law of the informant) is on the scalp, and no injury to the stomach has been indicated in the order sheet.

7. As such, in the present facts and circumstances of this case, and also considering the age of the petitioner and the fact that the injury is not on the stomach but rather on the scalp region, let the above-named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari, in connection with Harsidhi P.S. Case No. 171 of 2020, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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