

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31406 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -BOCHHA District- MUZAFFARPUR

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1. Bhushan Sahani Son of Lalbabu Sahani, Resident of Village- Athkoni,
P.S.- Tariyani, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.36160 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -BOCHHA District- MUZAFFARPUR

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1. Jokhan Sahani, Son of Sri Badri Sahani.
2. Sunil Kumar @ Sunil Sahani, Son of Late Ram Bahadur Sahani.
3. Suresh Sahani, Son of Sri Vaidhnath Sahani.
4. Sundar Lal Sahani, Son of Shiv Shankar Sahani.
5. Shiv Shankar Sahani, son of Badri Sahani, All Resident of Village-
Rudha, Sanathi, P.S.- Bochaha, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.31406 of 2017)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
: Mr. Devendra Kumar, Advocae

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha, A.P.P.

(In Cr.Misc. No.36160 of 2017)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
: Mr. Ram Sandesh Roy, Advocate

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 04-09-2017 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

These applications, for grant of anticipatory bail,



arise out of Bochahan Police Station Case No. 59 of 2017, disclosing offences under Sections 188, 283, 307, 332, 333, 353, 395 and 427 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that there is general and omnibus allegation against these petitioners and no specific overt act is attributed to them. In fact, altogether 17 named accused persons along with 15 unknown have been made accused in this case but no specific allegation of assault is leveled against these petitioners. Admittedly there is allegation of assault against the petitioners but no injury report is available on the record. Nothing incriminating has been recovered from the conscious possession of the petitioners rather these petitioners have been made victim of police atrocities only. The petitioners have also filed a complaint case against the police person, which is evident from annexure-3, and an informatory petition before the SDM (East) Muzafarpur has also been filed regarding the conduct of the police personnel, which is evident from Annexure-4. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within six 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 Additional Chief Judicial Magistrate, Muzaffarpur, in connection with Bochahan Police Station Case No. 59 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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