

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21012 of 2019

Arising Out of PS. Case No.-171 Year-2018 Thana- BIRAUL District- Darbhanga

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1. Mahendra Sahani @ Mahendra Sahani, Son of Late Ramjee Sahani @ Rajjee Sahani,
 2. Radhe Sahani Son of Late Saryug Sahani
 3. Bablu Sahani Son of Rajendra Sahani
 4. Roushan Sahani @ Raushan Kumar Son of Mahendra Sahani
 5. Rajesh Sahani Son of Mahendra Sahani
 6. Mukesh Sahani Son of Mahendra Sahani
 7. Rajendra Sahani Son of Ramjee Sahani
 8. Kamlesh Sahani @ Kamlesh Kumar Son of Rajendra Sahani
 9. Sushil Sahani Son of Mahendra Sahani
 10. Shekhar Sahani @ Shekhar Kumar @ Shekhar Kumar Sahani Son of Radhe Sahani
- All are resident of Village - Kahua, P.S.- Biraul, District – Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of
Biraul Police Station Case No. 171 of 2018, disclosing offences
punishable under Sections 341, 323, 504, 307, 379/34 of the
Indian Penal Code.

The petitioner nos. 1 and 6 have been arrested during



the pendency of this application and, therefore, this application has become infructuous to the extent the same relates to them and is dismissed accordingly.

Learned counsel, appearing on behalf of the petitioners, has submitted referring to the First Information Report that though there is allegation against the petitioner no. 7 of making assault with *farsa* and the petitioner no. 8 of instigating the co-accused Sunil Sahani, there is no specific allegation of assault against the rest of the petitioners. It has also been submitted that for the occurrence of the same time and date, a counter case has been registered, bearing Biraul P.S. Case No. 170 of 2018, in which, some of the persons have been granted anticipatory bail.

Be that as it may, considering the submission so advanced on behalf of the petitioners and the fact that there is allegation of assault causing grievous injury of co-accused Sunil Sahani, who is not a petitioner, this application is allowed.

Let the petitioners, above-named except petitioner nos. 1 and 6, 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 the learned



Additional Chief Judicial Magistrate, Biraul, District Darbhanga
in connection with Biraul Police Station Case No. 171 of 2018,
subject to the condition laid down under Section 438(2) of the
Code of Criminal Procedure.

This is subject to the condition that the petitioners
shall present themselves before the Police/Court, as the case
may be, as and when required and in the event of failure on their
part to appear before the Court on two consecutive occasions,
their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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