

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17384 of 2020**

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1. Ramesh Sahni, son of late Anup Sahni.
 2. Manoj Sahni, son of Ramesh Sahni
 3. Dharmendra Sahni, son of Bilash Sahni
 4. Ram Isshwar Sahni, son of Lalmuni Sahni
 5. Kamlesh Sahni, son of Rajendra Sahni
 6. Rajlal Sahni, son of late Chhedi Sahni
All resident of village-Sanathi Dih, P.S.-Bochahan, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr.A. Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-07-2020 At the outset, Mr. Hari Kishore Thakur, learned counsel for the petitioners submits that in view of arrest of petitioner nos.3 and 4, this application on their behalf has become infructuous.

In the aforesaid view of the matter, this application on behalf of petitioner nos. 3 and 4 is dismissed as having become infructuous and this application survives only on behalf of petitioner nos.1, 2, 5 and 6.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

Petitioner nos.1, 2, 5 and 6 in the present case are seeking pre-arrest bail in connection with Bochahan P.S. Case No.308 of



2019 registered for the offence punishable under Sections 147, 148, 149, 447, 341, 323, 325, 315, 307, 302, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that this case is a counter blast of the earlier case being Bochahan P.S. Case No.306/2019 registered on 27.08.2019 for the offence alleged under Section 342/354(A-B)/504/506/34 of the Indian Penal Code which was lodged by the present petitioner no.1 against the informant.

It is his submission that the wife of the informant has died earlier, she was never assaulted but in order to falsely implicate these petitioners the present case has been lodged five days after the alleged occurrence. Learned counsel submits that it is a case of false implication. It is further submitted that even as per the present FIR no allegation at all has been made against petitioner nos.2 and 5.

Learned counsel for the petitioners has further submitted that some of the accused persons have been granted regular bail by a learned coordinate Bench of this Court.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioners. It is submitted that so far as petitioner no.1 is concerned, it is specific allegation against him that he had assaulted the informant by an iron rod causing injuries and there is further allegation that petitioner nos.1 and 6 together with petitioner no.4 who has already been arrested had assaulted the wife of the informant who was pregnant and as a result of assault she started



bleeding and could not survive.

Learned APP for the State further submits that so far as petitioner nos.2 and 5 are concerned, there is no allegation against them save and except that they have been mentioned as members of the mob.

Having regard to the facts and circumstances of the case and upon noticing that there are specific allegations against petitioner nos. 1 and 6 of causing assault upon the wife of the informant who is said to have succumbed to the injury, this Court is not inclined to grant privilege of anticipatory bail to petitioner nos.1 and 6. Their prayer for anticipatory bail is, thus, refused.

In case petitioner nos. 1 and 6 surrender and pray for regular bail in the court below within six weeks from today, their prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court. It will be open for the petitioner nos.1 and 6 to rely upon any order of this Court, if so advised.

So far as petitioner nos. 2 and 5 are concerned, though they are named among the 17 accused persons in the First Information Report, but there is neither any specific allegation that they were lashed with any particular weapon nor there is any allegation of their active participation in the alleged occurrence and no overt act has been alleged against them, hence, this Court is inclined to grant privilege of anticipatory bail to them. Let petitioner



nos.2 and 5 above named in the event of their arrest or surrender within a period of six weeks from today in connection with Bochahan P.S. Case No.308 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIVth, Muzaffarpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

The application stands partly allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

