

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36425 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- PATEPUR District- Vaishali

1. MANJU DEVI W/o Lalu Sahani, Resident of Village-Mahia Malpur, P.S.-Patepur, District-Vaishali.
2. SITAPATI DEVI W/o Jagdev Sahani, Resident of Village-Mahia Malpur, P.S.-Patepur, District-Vaishali.
3. SAMBHU SAHANI S/o Deo Chand Sahani, Resident of Village-Mahia Malpur, P.S.-Patepur, District-Vaishali.
4. SAKHI DEVI W/o Walindar Sahani, Resident of Village-Mahia Malpur, P.S.-Patepur, District-Vaishali.
5. CHANDRAKALA DEVI W/o Rajdeo Sahani, Resident of Village-Mahia Malpur, P.S.-Patepur, District-Vaishali.
6. MANISH KUMAR SAHANI @ MANISH KUMAR @ MANISH SAHANI S/o Rajdeo Sahani, Resident of Village-Mahia Malpur, P.S.-Patepur, District-Vaishali.
7. AWINASH SAHANI S/o Lalu Sahani, Resident of Village-Mahia Malpur, P.S.-Patepur, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-04-2021 Heard both sides through Video Conferencing.

Learned counsel for the petitioners submits that petitioner no.3 (Sambhu Sahani) and petitioner no.7 (Awinash Sahani) have already been arrested and, therefore, he seeks permission to withdraw the anticipatory bail petition filed on behalf of petitioner no.3 (Sambhu Sahani) and petitioner no.7 (Awinash Sahani).



Prayer is allowed.

The anticipatory bail petition filed on behalf of petitioner no.3 (Sambhu Sahani) and petitioner no.7 (Awinash Sahani) is dismissed as withdrawn.

Petitioner nos.1, 2, 4, 5 and 6 apprehend their arrest in Patepur P.S. Case No.43 of 2020 registered under Sections 147, 148, 149, 153, 186, 188, 332, 333, 307, 504, 506 and 427 of the I.P.C.

The informant (police officer) alleged that he got information that Chandan Sahani had kept liquor in his house. The informant went there in search of the house but Raja Ram Sahani (father of Chandan Sahani) protested and did not allow the police to raid the house. Chandan Sahani attacked the police vehicle and also assaulted the driver of the vehicle. It is further alleged that many persons were there and they were supporting Raja Ram Sahani and Chandan Sahani. The accused persons were putting hindrance in discharge of duty of the police officials.

Learned counsel for the petitioners submits that save and except Manish Kumar Sahani (petitioner no.6), petitioner nos.1, 2, 4 and 5 are ladies. No specific allegation is made against them. Nothing has been recovered from possession of



the petitioners. Chandan Sahani had kept liquor in his house. Chandan Sahani and Raja Ram Sahani made protest but the petitioners are also made accused in the case.

Learned A.P.P., however, opposed the prayer for anticipatory bail.

Having considered the submissions and on perusal of the F.I.R. itself, it appears that the informant made specific allegation against Chandan Sahani that he damaged the government vehicle and assaulted the driver of the vehicle. Raja Ram Sahani (father of Chandan Sahani) protested and did not allow the police to raid the house in which liquor is said to have been kept. Of course, the names of the petitioners are mentioned in the F.I.R. but no specific allegation is made against them.

Taking into consideration the facts aforesaid, petitioner nos.1, 2, 4, 5 and 6 (Manju Devi, Sitapati Devi, Sakhi Devi and Chandrakala Devi and Manish Kumar Sahani respectively) in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur in



connection with Patepur P.S. Case No.43 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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