

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39256 of 2020

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

1. JAWAHAR SAHANI @ JAMAHIR SAHANI son of late Bhawichchhan Sahani Resident of Vill.- Mahia Malpur, P.S.- Patepur, Distt.- Vaishali
2. Manohar Sahani @ Manohar Kumar Sahani son of Rajdev Sahani Resident of Vill.- Mahia Malpur, P.S.- Patepur, Distt.- Vaishali
3. Ashok Sahani son of Rama Sahani Resident of Vill.- Mahia Malpur, P.S.- Patepur, Distt.- Vaishali
4. Prameshwar Sahani son of late Bhawichchhan Sahani Resident of Vill.- Mahia Malpur, P.S.- Patepur, Distt.- Vaishali
5. Sangita Devi wife of Ashok Sahani Resident of Vill.- Mahia Malpur, P.S.- Patepur, Distt.- Vaishali
6. Santosh Sahani son of Nanku Sahani Resident of Vill.- Mahia Malpur, P.S.- Patepur, Distt.- Vaishali
7. Raja Kumar @ Raja Sahani @ Raja Kumar Sahani son of Lakhindar Sahani Resident of Vill.- Mahia Malpur, P.S.- Patepur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2021 Heard learned counsel for the petitioners and the
State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner



Nos. 1, 2, 4, 6 & 7 as during pendency of this application, they have been been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner Nos. 1, 2, 4, 6 & 7 is dismissed as withdrawn.

The petitioner Nos. 3 & 5 are apprehending 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, 427 of the Indian Penal Code.

Prosecution case, in short, is that on the information that illegal wine is being kept at the house of Chandan Sahani, the informant and other police personnel went there and tried to search the house. But Raja Ram Singh made protest. Accused Chandan Sahani attacked on the vehicle and the driver and also damaged the glass of the government vehicle. The other accused named in the FIR along with 30 unknown persons also attacked on the police force and they got escaped away the persons indulged in illegal sale of wine.

It has been submitted on behalf of the petitioner Nos. 3 & 5 that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. General



and omnibus allegation has been made against the petitioner Nos. 3 & 5. No specific overt act is alleged against them. The specific allegation is against co-accused Chandan Sahani.

On behalf of the State, it is submitted that the petitioner Nos. 3 & 5 are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner Nos. 3 & 5, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond 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.

Once the normalcy is restored, the petitioner Nos. 3 & 5 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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