

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11231 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- CHIRAIYA District- East Champaran

1. MUKHLAL SAHANI SON OF LATE CHHATU SAHANI R/O VILLAGE-MAHUAWA, P.S.- CHIRAIYA, DISTRICT- EAST CHAMPARAN
2. BIRCHAN SAHANI SON OF LATE CHHATU SAHANI R/O VILLAGE-MAHUAWA, P.S.- CHIRAIYA, DISTRICT- EAST CHAMPARAN
3. LAKSHMINIYA DEVI WIFE OF LAKHICHAN SAHANI R/O VILLAGE-MAHUAWA, P.S.- CHIRAIYA, DISTRICT- EAST CHAMPARAN
4. BACHI DEVI WIFE OF BIRCHAN SAHANI R/O VILLAGE-MAHUAWA, P.S.- CHIRAIYA, DISTRICT- EAST CHAMPARAN
5. MARCHIYA DEVI WIFE OF MUKHLAL SAHANI R/O VILLAGE-MAHUAWA, P.S.- CHIRAIYA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv
For the Opposite Party/s : Mr. H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Learned counsel for the petitioners seeks permission to withdraw this application for petitioner no.2, as the petitioner named above has already been arrested by the police during the



pendency of the present bail application.

Permission is granted.

Accordingly, the instant application with regard to petitioner no. 2 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner nos.1, 3, 4 and 5 only.

The petitioners apprehend their arrest in a case registered for the offence punishable under sections 147, 148, 149, 353, 341, 342, 332, 186, 504 and 506 of the Indian Penal Code.

Allegedly, the informant disclosed the name of the petitioners and other accused persons who were obstructing the government work and took away the arrested accused from the police custody. Informant lodged F.I.R. against all the above accused who committed the crime by beating and injuring them.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. F.I.R. was lodged against 50-60 villagers including the petitioners who allegedly tried to obstruct the government work and took away the accused persons



apprehended in Chiraiya P.S. Case no. 90 of 2021 from police custody. Their names transpired in the present case on the basis of disclosure made by one local chaukidar. Petitioners have no criminal antecedent, also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, I am not inclined to grant bail to the petitioner. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly, dismissed.

However, petitioners are directed to surrender before the Court below and Court below would pass the order preferably on the same day.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

