

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15644 of 2022**

Arising Out of PS. Case No.-802 Year-2018 Thana- MUZAFFARPUR TOWN District-  
Muzaffarpur

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1. Ram Janam Sahani @ Ramjanm Sahani, Son Of Late Mahavir Sahani Resident Of Village - Sikandarpur Kundal , P.S.- Town, Distt.- Muzaffarpur.
  2. Munchun Sahani @ Munchun Kumar, Son Of Ram Janam Sahani @ Ram Janam Chaudhary Resident Of Village - Sikandarpur Kundal , P.S.- Town, Distt.- Muzaffarpur.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Chandra Shekhar Anand  
For the Opposite Party/s : Mr. Ashok Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      20-09-2022                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 385, 379, 504, 506/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 03.11.2018 at 8.00 P.M., the accused persons came and started pushing the gate of the informant's house to which the informant's wife protested when accused persons asked for extortion of Rs.10 Lacs. It is next alleged that all the accused persons used indecent words for the informant's wife and further threatened to kill the informant and his son if



the extortion was not paid even fired at the gate. It is further alleged that on 04.11.2018, in the morning when the informant was sitting at his door with his wife when the accused persons including the petitioners along with some unidentified accused came and started looting the goods and further took the Mangalsutra of his wife and further tried to kill the informant.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. It is next submitted that the allegation itself does not inspire confidence. It is also submitted that the allegation of assault is general and omnibus in nature, no overt act has been alleged. It is also submitted that it absolutely does not stand to reason that the petitioners in large number would have come to the house of the informant seeking extortion of Rs.10 Lacs, moreso when informant is not a person of such stature, who can part with Rs.10 Lakhs.

Learned A.P.P. opposes the bail application and submits that the case is of the Year 2018 and the petitioners has moved before this Court in the Year 2022 and it might be a possibility that process under Section 82 of the Cr.P.C. would have been issued by now.

Considering the submissions made by the learned



counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Muzaffarpur Town P. S. Case No.802 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds shall verify whether any process under Section 82 of the Cr.P.C. has been issued against the petitioners or not. In the event, if no process has been issued against the petitioners under Section 82 of the Cr.P.C., then the present anticipatory bail order shall be acted upon forthwith and in the event, if any process has been issued under Section 82 of the Cr.P.C., then the present anticipatory bail order shall not be acted upon.

**(Satyavrat Verma, J)**

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