

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28269 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- BHAGWANPUR District- Vaishali

1. KUMARI NILAM @ NILAM DEVI Wife of Dhiraj Sahni Resident of Village - Prataptand, P.S.- Bhagwanpur, Distt.- Vaishali.
2. Dharmshila Devi Wife of Narendra Sahni Resident of Village - Prataptand, P.S.- Bhagwanpur, Distt.- Vaishali.
3. Kaushalya Devi @ Kushalya Devi Wife of Sunil Sahni Resident of Village - Prataptand, P.S.- Bhagwanpur, Distt.- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 224, 225, 307, 353, 272, 273, 506 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case, in brief, is that on 04.10.2021



the informant Krishna Kumar Singh along with his police team were on patrolling duty. When they were on Godiya Chowk at 05:10 PM, the informant got confidential information that a notorious criminal Dhiraj Sahni who is wanted in many cases is about to come to his house. The informant gave information to his superior officer in this regard and proceeded for the verification of information and reached to Village Prataptand. After some time a white coloured Wagon-R Suzuki car bearing Registration No. BR-31S 5312 came there and stopped on the road. The accused Dhiraj Sahni was sitting in front of the seat. The informant surrounded his vehicle with his police team and tried to arrest him but he started scuffling with the police and abused them. Accused Dhiraj Sahni further started making halla and invited the villagers for his help. In the meantime, the local men and women in large number came there taking lathi, danda, and bricks in their hand and they surrounded and assaulted the police team. Due to which, the police men injured and villagers forcibly freed criminal Dhiraj Sahni and Dhiraj Sahni fled away. The said car was searched and 1.5 litres of foreign liquor was recovered from it. Driver Sahid Miya, driver of the said car also helped criminal Dhiraj Sahni to make him flee away.

Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against these petitioners and the petitioners have no concern at all with the alleged recovery and neither the petitioners are owner nor the driver of the vehicle in question.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bhawanipur P.S. Case No. 227 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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