

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43546 of 2022

Arising Out of PS. Case No.-305 Year-2021 Thana- MAHUA District- Vaishali

1. Naresh Sahni Son Of Bipat Sahni
2. Baiju Sahni Son Of Raj Narain Sahni @ Raj Narayan Sahni
3. Raja Kumar Son Of Yogendra Sahni
4. Pankaj Sahni Son Of Raudi Sahni
5. Raju Kumar Son Of Yogendra Sahni
All are R/O Village- Chand Sarai, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,324,379,307 of IPC.

Prosecution story relates to abuse and assault to the informant on the order of co-accused Anil Sahani by all the co-accused persons by means of lathi, danda, farsa and iron rod resulting into injury of six persons.



Co-accused Raj Narayan Sahani attacked with farsa on his head.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioners. There is specific allegation against co-accused namely Anil Sahni and Raj Narain Sahni who assaulted the informant and their family members. Further submits that co-accused namely Bablu Kumar & Ors have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order at Annexure-4 to this bail petition and the case of the petitioner is on similar footing.

Learned A.P.P. for the State has vehemently 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 (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 Mahua P.S. Case No.305 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 witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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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