

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.65401 of 2021**

Arising Out of PS. Case No.-25 Year-2019 Thana- ARER District- Madhubani

Bhogendra Sahni Son Of Baudhu Sahni R/O Village- Balain, P.S. Arer,
District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Kusum Rani, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 06-05-2022 Heard learned counsel for the petitioner and Mr.
Narendra Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Arer P.S. Case No. 25 of 2019 registered for the offences punishable under Sections 148, 149, 341, 323, 324, 307, 302 of the Indian Penal Code. He is in custody since 18.10.2020 and has no criminal antecedent.

As per the prosecution story, the nephew of the informant was surrounded by 8 named accused persons on a dispute which arose in course of *puja kirtan* in which a loudspeaker was being used but accused persons were asking his nephew to bring down the loudspeaker. In the said dispute, the accused persons started assaulting him and on hearing the shouts of his nephew, the informant and his family members



reached there then they were also assaulted by the accused persons. It is specifically alleged that co-accused Sanichar Sahni asked to kill everyone by farsa and he assaulted the brother and the nephew of the informant by farsa as a result whereof they fell down. It is then alleged that other accused persons assaulted the informant, the wife of his brother, niece and his son-in-law by farsa, lathi, rod etc. in which Bisheshwar Sahni and Ramashish Sahni suffered injuries. In the said occurrence Bisheshwar Sahni died in course of treatment on 22.03.2019.

Learned counsel for the petitioner submits that from the FIR itself it is evident that the alleged occurrence took place on 15.03.2019. The informant is Fulle Sahni who could have lodged the FIR immediately after the alleged occurrence but the FIR has been lodged on 23.03.2019 with an after-thought in which several persons of the family have been made accused.

Learned counsel further submits that considering the case of the co-accused Sanichar Sahni a learned Co-ordinate Bench of this Court has granted bail in Cr. Misc. No. 29291 of 2020. It is further submitted that in Cr. Misc. No. 50874 of 2021 another learned Co-ordinate Bench of this Court has been pleased to enlarge the co-accused Pappu Sahni and Akhilesh Sahni on bail. It is, thus, submitted that the case of the petitioner



stands on equal footing with the co-accused who have been granted bail. Moreover, the petitioner who is 70 years old has remained in custody since 18.10.2020, investigation against him is complete and his presence may be secured in course of trial.

Mr. Narendra Kumar Singh, learned APP for the State has opposed the prayer for bail of the petitioner: firstly on the ground that the petition contains several defects and he has specifically pointed out in paragraph '4' it appears that Sanichar Sahni, Bhogendra Sahni, Pappu Sahni and Akhilesh Sahni have been arrayed as petitioner whereas this case has been filed only on behalf of Bhogendra Sahni.

At this stage, learned counsel for the petitioner seeks permission to make correction in paragraph '4' by deleting the word petitioner against the name of the co-accused who are not in this case.

Permission is granted.

Let typographical errors be allowed to be corrected in course of the day.

So far as the other defects which are pointed out, the same will be removed within two weeks after start of normal functioning of the Court.

Having heard learned counsel for the petitioner and



learned APP for the State, this Court has noticed that though the petitioner is named in the FIR but there is no specific allegation of commission of any overt act against him. There are general and omnibus allegations against the petitioner and on that score he stands on equal footing with that of the co-accused who have been granted bail by learned Co-ordinate Benches of this Court, the petitioner has otherwise no criminal antecedent, he is said to be 70 years old and has remained in custody for over one and half year but the trial has yet not concluded and further his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-X, Madhubani in connection with Arer P.S. Case No. 25 of 2019, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

