

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67882 of 2021

Arising Out of PS. Case No.-156 Year-2021 Thana- MAHNAR District- Vaishali

1. Anjali Devi Wife of Ramudesh Sahani Resident of Village - Mahmadpur, P.S.- Mahnar, District - Vaishali at Hajipur
2. Ramudesh Sahani Son of Late Nathu Sahani Resident of Village - Mahmadpur, P.S.- Mahnar, District - Vaishali at Hajipur
3. Harendar Sahani Son of Late Nathu Sahani Resident of Village - Mahmadpur, P.S.- Mahnar, District - Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-07-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Mahnar
P.S. Case No. 156 of 2021 registered for the offence under
Sections 147, 148, 149, 323, 341, 307 and 302 of Indian Penal
Code.

The accused/petitioners are named in the F.I.R., where
petitioner nos. 1 and 2 are in custody since 13.07.2021 and
petitioner no.3 is in custody since 31.07.2021.

The allegation against the petitioners is to commit the



murder of the father of the informant alongwith other co-accused persons, equipped with deadly weapons like lathi, rod, etc., in the background of land dispute.

Learned counsel appearing on behalf of the petitioners submitted that allegation, as regard to assault, is very much general and omnibus and, in fact, the occurrence was nothing but a free fight between the parties, for which the first case was lodged by the petitioners, bearing Registration no. Mahnar P.S. Case No. 146 of 2021. It is submitted that F.I.R. has been lodged after delay of 13 days without any just explanation. It is further submitted that the facts and circumstances and the manner in which the occurrence took place, is not suggesting, on its face, that death was intentional on the part of the petitioners. It is pointed out that petitioner no.1 is a lady involved in one other criminal case, petitioner no.2 involved in three other criminal cases, petitioner no.3 involved in two other criminal cases of different nature, due to local village issues. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded



that collective assault on the part of the petitioners caused death of the father of the informant.

Learned counsel for the informant submitted that delay in lodging of the F.I.R. was not intentional rather it was compelled by the circumstances for the reason that the informant was busy in the treatment of his father.

Considering the facts and circumstances as mentioned above, as the allegation of assault is very much general and omnibus against the petitioners, which appears to be a free fight, on its face, between the parties due to land dispute coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Mahnar P.S. Case No. 156 of 2021 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 Chief Judicial Magistrate, Vaishali at Hajipur, subject to the following conditions:

“(i) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail



bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by the documents.

(iii) If the petitioners tamper with the evidence or witnesses in any manner, in that event, Trial Court shall be at liberty to cancel the bail bond of the petitioners.

(Chandra Shekhar Jha, J)

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