

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7259 of 2023

Arising Out of PS. Case No.-89 Year-2021 Thana- GAIGHAT District- Muzaffarpur

1. MUNNA SAHNI Son of Upendra Sahni Resident of Village and P.O.- Badhaiya, P.S.- Gaighat, District- Muzaffarpur
2. CHHOTI SAHNI Son of Upendra Sahni Resident of Village and P.O.- Badhaiya, P.S.- Gaighat, District- Muzaffarpur
3. MITHILESH SAHNI Son of Upendra Sahni Resident of Village and P.O.- Badhaiya, P.S.- Gaighat, District- Muzaffarpur
4. RAMBHA DEVI Wife of Mithilesh Sahni Resident of Village and P.O.- Badhaiya, P.S.- Gaighat, District- Muzaffarpur

... .. Petitioners

Versus

THE STATE OF BIHAR

.. ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md.Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Gaighat P.S. Case No.- 89 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 353, 379, 504, 506 of the Indian Penal Code. They have got no criminal antecedent.

As per the prosecution story, on 06.03.2021, at about 08:00 P.M. all the accused persons named in FIR encircled the informant and then Sushil Sahani pointed pistol on the Kanpatti of Ram Babu Sahani. Subsequently, the informant was assaulted



by the accused persons by lathi, danda and rod as a result of which the informant sustained injury. When the informant went to rescue Ram Babu Sahani, he was assaulted with rod as a result of which he got injury on his head and right shoulder.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that no specific allegation is made against the petitioners and the co-accused, Sushil Sahni against whom there is an allegation, he has been granted privilege of anticipatory bail by the learned court below in A.B.P. No. 1652 of 2022

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

Having regard to the facts and circumstances of the case, wherein it is submitted that it is a general and omnibus action of 17 accused persons, no specific allegation is made against the petitioners and the co-accused, Sushil Sahni against whom there is an allegation, he has been granted privilege of anticipatory bail by the learned court below in A.B.P. No. 1652 of 2022, the petitioners have otherwise no criminal antecedent, this Court directs release of the petitioners above named on bail in the event of their arrest or surrender within a period of four



weeks from today in connection with Gaighat P.S. Case No.- 89 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 antecedent, 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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