

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8547 of 2023

Arising Out of PS. Case No.-375 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

1. RUPESH SAHANI @ RUPESH KUMAR Son of Bala Lakhindra Sahani
Resident of Village- Navanagar Nizamat Mokritola, P.S.- Sahebganj,
District- Muzaffarpur
2. RAJA SAHANI @ RAJA BABU SAHANI Son of Bala Lakhindra Sahani
Resident of Village- Navanagar Nizamat Mokritola, P.S.- Sahebganj,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sahebganj P.S. Case No. 375 of 2022 registered for the offence punishable under Section 399, 402, 414 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

The allegation is regarding the informant having received information that some miscreants were planning to commit dacoity, whereafter the informant along with his police force had reached at village Somgarh and had found 6-7 accused persons to have assembled there, whereafter, upon seeing the



police force, they had tried to flee away, however, with the help of the police force, four persons were apprehended, but three managed to flee away. It is also alleged that one loaded country made pistol and one live cartridge was recovered from the possession of the co-accused person, namely, Vikash Kumar and one country made pistol along with one live cartridge was recovered from the co-accused, namely, Chunnu Kumar, as also from the possession of co-accused person, namely, Awdhesh Kumar, one live cartridge and one scooty were recovered while from the possession of Pramod Paswan, one live cartridge was also recovered. Subsequently, it transpired that the petitioners are the persons, who had fled away from the spot.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that neither the petitioners have been alleged to have committed any crime nor the petitioners have been arrested from the spot, hence, the petitioners are not having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record, this Court finds that neither the petitioners have been arrested from the spot nor they are alleged to have engaged in any sort of crime, hence, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 J.M., 1st Class, Muzaffarpur, in connection with Sahebganj P.S.Case No. 375 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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