

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7427 of 2023

Arising Out of PS. Case No.-405 Year-2022 Thana- SUGAULI District- East Champaran

1. SHANKAR SAHANI SON OF LATE RAJBANSHI SAHANI R/O VILL.-
SHRIPUR DHARAMPUR, P.S.- SUGAULI, DISTT.- EAST
CHAMPARAN
2. MUNILAL SAHANI SON OF LATE RAJBANSHI SAHANI R/O VILL.-
SHRIPUR DHARAMPUR, P.S.- SUGAULI, DISTT.- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Mr. Anuj Kumar Shrivastava, A.P.P.
For the Informant	:	Mr. Dhananjay Kumar No. 2, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 03-05-2023 Heard Mr. Umesh Chandra Verma, learned counsel

for the petitioners, Mr. Anuj Kumar Shrivastava, learned
Additional Public Prosecutor appearing for the State and Mr.
Dhananjay Kumar No. 2, learned counsel for the informant.

Petitioners seek regular bail in connection with
Sugauli P.S. Case No. 405 of 2022 dated 9.9.2022 registered for
the offences punishable under Sections 147, 148, 149, 341, 323,
324, 307, 302 and 120B of the Indian Penal Code 1860.

As per the First Information Report, on 9.9.2022
while the informant and her husband Ashok Sahni were sitting
at the house, in the meanwhile, due to old land dispute, all
accused persons including the petitioners, total 25 in numbers,



arrived at the door of the informant armed with lathi, *Garansi*, *farsa*, *sword*, *dab* and *khanti*, abused her husband Ashok Sahni and started assaulting him and other family members. It has further been alleged that when the husband of the informant fell down, Krishna Sahani, Raju, Rajkishore, Amit, Dimpu and Chhotan assaulted her husband with *lathi* and other weapons till her death.

Learned counsel for the petitioners submits that though the petitioners are named in the First Information Report but, there is no specific allegation against them and only general and omnibus allegation has been made against the petitioners along with 23 other accused persons. It has further been submitted that the specific allegation regarding the assault made upon the husband of the informant (since deceased) has been made against six accused persons namely, Krishna Sahani, Raju, Rajkishore, Amit, Dimpu and Chhotan. The petitioners are in custody since 12.9.2022 and charge sheet has already been submitted.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that the petitioners are named in the First Information Report and due to the land dispute between the parties all the accused persons



arrived at the door of the informant and brutally assaulted the deceased and other family members.

Having heard learned counsel for the parties and after going through the materials available on record, it appears that the allegation against the petitioners are general and omnibus in nature along with other accused persons, there is specific allegation of assault against the six named accused persons in which the name of petitioners are not there, the petitioners are in custody since 12.9.2022, charge sheet has already been submitted and there is no likelihood that the petitioners will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Sugauli P.S. Case No. 405 of 2022.

(Anil Kumar Sinha, J)

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