

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15398 of 2023

Arising Out of PS. Case No.-30 Year-2013 Thana- HATHAURI District- Muzaffarpur

1. Shambhu Sahni S/O- Bhutta Sahni R/O- Village- Tarajiwar, Ps- Hathauri, Distt.- Muzaffarpur.
2. Sakaldeo Sahni S/O- Bhutta Sahni R/O- Village- Tarajiwar, Ps- Hathauri, Distt.- Muzaffarpur.
3. Bhutta Sahni Son Of Late Suraj Sahni R/O- Village- Tarajiwar, Ps- Hathauri, Distt.- Muzaffarpur.
4. Raj Kishore Sahni S/O Late Chulhai Sahni R/O- Village- Tarajiwar, Ps- Hathauri, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar A.G, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur
For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code pending in the learned court below.

Prosecution case in brief is that when the father of the informant was sleeping at his dalaan in the meantime, all the accused persons came and started abusing and assaulting him as a result of which his father died.

Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case due to local village politics. He submits that from perusal of the case diary it is clear that there is no specific overt act against the petitioners. He further submits that there is no evidence came in the case diary against the petitioner showing the petitioners are involved in this case. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submits that the the case belongs to the 2013 and after ten years the present anticipatory bail application is filed by the petitioners. Hence, they do not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is delay in filing of the present anticipatory bail application, I am not inclined to enlarge the petitioners on bail in connection with Hathauri P.S. Case No.30/2013. Accordingly, their prayer for anticipatory bail is hereby rejected.

However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the



order, preferably, on the same day, without being prejudiced by
this order.

(Anjani Kumar Sharan, J)

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