

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18235 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- BENIPATTI District- Madhubani

1. Dilip Sahni Son Of Juri Sahni Resident Of Village- Pali North Tola, Ps - Benipatti, Distt- Madhubani
2. Madan Sahni Son Of Juri Sahni Resident Of Village- Pali North Tola, Ps - Benipatti, Distt- Madhubani
3. Sunil Sahni @ Anil Sahni Son Of Rajendra Sahni Resident Of Village- Bishanpur Ps- Saharghat, Distt- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Benipatti P.S. Case No. 104 of 2022 registered for the offences punishable under Sections 147, 148, 341, 323, 324, 325, 307, 427 and 379 of the Indian Penal Code. They have no criminal antecedent.

Learned counsel for the petitioners submits that the informant in her written report alleged that the accused persons named in the FIR caused assault to her and her family members causing injuries. The informant also alleged that the accused persons took away articles worth Rs. 1,80,000/- and cash



Rs.50,000/- after breaking the box.

Learned counsel for the petitioners submits that the parties are fighting over land dispute in Title Suit No. 31A/2015 and both the sides have lodged case and counter-case against each other. The FIR in the present case has been lodged on 06.05.2022 in respect of the alleged occurrence of 01.05.2022 whereas the petitioner No. 1 had lodged his FIR on 03.05.2022 alleging the different version of the alleged occurrence, the injuries except one of the injuries have been found to be simple in nature.

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 the parties are fighting over land dispute in Title Suit No. 31A/2015, both the sides have lodged case and counter-case against each other and they have alleged assault, the FIR in the present case has been lodged on 06.05.2022 in respect of the alleged occurrence of 01.05.2022 whereas the petitioner No. 1 had lodged his FIR on 03.05.2022 giving a different version of the alleged occurrence, the injuries except one of the injuries of Pramod seem to be simple in nature, this Court directs in case of their arrest or surrender within a period



of four weeks from today, the petitioners above named be released on bail in connection with Benipatti P.S. Case No. 104 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Benipatti, Madhubani, 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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