

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26802 of 2023

Arising Out of PS. Case No.-642 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

1. SARITA DEVI @ SABITA DEVI WIFE OF MAHDEO SAHANI R/O VILLAGE- GOSAIPUR, P.S.- AHIYAPUR, DISTRICT- MUZAFFARPUR
2. MAHADEV SAHANI SON OF KATE BIJLI SAHNI R/O VILLAGE- GOSAIPUR, P.S.- AHIYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Ahiyapur P.S. Case No. 642 of 2022 registered for the offences punishable under Sections 341, 323, 324, 326, 302/34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, all the accused persons including the petitioners, due to a previous dispute, assaulted the informant and his brother Lalu Sahni with Dabiya and other deadly weapons due to which they were seriously injured and his brother became unconscious. When his family members came to rescue, all the accused persons assaulted them with lathi, danda and other deadly weapons due to which they were also injured.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners have otherwise no criminal antecedent.

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

6. Having regard to the submissions that these petitioners were only the members of the mob, no overt act has been alleged against these petitioners, learned APP for the State having gone through the case diary states that in the case diary no material suggesting participation of these petitioners have been collected, these petitioners have otherwise no criminal antecedent, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Ahiyapur P.S. Case No. 642 of 2022 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 J.M.- 1st Class, (East) Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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