

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38822 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- BENIPATTI District- Madhubani

1. BAIDYANATHI SAHANI Son of Late Rameshwar Sahani Resident of village - Dhanushi, P.S. - Benipatti, Distt. - Madhubani
2. Rajendra Sahani Son of Late Suresh Sahani Resident of village - Dhanushi, P.S. - Benipatti, Distt. - Madhubani
3. Sirju Sahani Son of Baidyanathi Sahani Resident of village - Dhanushi, P.S. - Benipatti, Distt. - Madhubani
4. Birju Sahani Son of Baidyanathi Sahani Resident of village - Dhanushi, P.S. - Benipatti, Distt. - Madhubani
5. Dharju Sahani Son of Baidyanathi Sahani Resident of village - Dhanushi, P.S. - Benipatti, Distt. - Madhubani
6. Bisheshwar Sahani Son of Suresh Sahani Resident of village - Dhanushi, P.S. - Benipatti, Distt. - Madhubani
7. Juri Sahani Son of Subesh Sahani Resident of village - Dhanushi, P.S. - Benipatti, Distt. - Madhubani
8. Tirju Sahani Son of Baidyanathi Sahani Resident of village - Dhanushi, P.S. - Benipatti, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 341, 323, 354(B), 504, 506, 379 of the IPC.

3. As per the prosecution case, the F.I.R. named accused persons including the petitioners came armed with deadly



weapons and started assaulting the informant and they dragged her by pulling her saree, torn her blouse and took her photographs and when her husband came to save her, then all the accused assaulted him by lathi, danda. They entered into her house and took away valuable items.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The alleged occurrence is said to have taken place on 28.10.2022 and the F.I.R. was instituted on 18.11.2022 i.e. after delay of about 20 days, without giving any plausible explanation, which itself creates doubt about the prosecution case. Petitioner nos.1, 2, 7 and 4 have one criminal antecedent and rest of the petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case and considering the delay in lodging the F.I.R., let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a



period of six weeks from today, 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 the learned court below where the case is pending/Successor Court in connection with Benipatti P.S. Case No.300 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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