

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46155 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- SARAI District- Vaishali

NAND LAL SAHNI SON OF TILDHARI SAHNI R/O VILLAGE-PAURA
MADAN SINGH, PS- SARAI, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2023 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sarai Police Station Case No. 222 of 2022, dated 18.07.2022, disclosing offences under Sections 147/149/447/341/323/337/338/354(A)/354(B)/504/506 of the Indian Penal Code and Section 8 of the of the Prevention of Child from Sexual Offences Act, 2012 as well as Section 27 of the Arms Act.

The prosecution case, on the basis of the First Information Report, is that, on 17.07.2022, at about 08:00 PM in the night, the petitioner along with other accused persons, altogether 13 FIR-named accused persons and 30 to 35 unknown persons, arrived at the house of the informant, abused the informant and her family members, thereafter, co-accused



Baiju Sahni and Sudhir Sahni misbehaved with the minor granddaughter of the informant and all accused persons tried to commit rape upon her and torn the clothes of granddaughter of the informant and also tried to forcefully take her away as well as pelted stones at the house of the informant.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to dispute over pond, which is settled in the name of Fisheries Co-operative Society, but being captured by one Praveen Singh and informant's husband along with others. He further submits that the petitioner and other accused persons objected to this, upon which, side of the informant assaulted the co-accused Baiju Sahni and also fired upon the co-accused due to which co-accused Sunil Sahni sustained pellet injury for which First Information Report, bearing Sarai Police Station Case No. 221 of 2022, was lodged by the side of the petitioner on the same date i.e. 17.07.2022, at about 07:45 PM. He further submits that the present First Information Report is counter blast to the First Information Report lodged by the petitioner against the husband of the informant and others. He next submits that similarly situated co-accused Abhinandan Kumar@Nandan Sahni has been granted bail by a Co-ordinate Bench of this Court in



Criminal Miscellaneous No. 42063 of 2023.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the allegation against the petitioner is general and omnibus in nature, First Information Report lodged by the petitioner against the husband of the informant is prior in time and similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum-Special Judge, POCSO, Vaishali at Hajipur, in connection with Sarai Police Station Case No. 222 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

U	✓	T	✓
---	---	---	---

