

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47645 of 2023

Arising Out of PS. Case No.-116 Year-2021 Thana- AURAI District- Muzaffarpur

1. KAMALDEO SAHANI @ KAMAL SAHANI VILLAGE SAMBHUTA MALAHA TOLI, PS- AURAI, DIST-MUZAFFARPUR
2. SAKALDEO SAHANI @ SAKAL SAHANI VILLAGE SAMBHUTA MALAHA TOLI, PS- AURAI, DIST-MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Aurai P.S. Case No. 116 of 2021 for the offence registered under sections 147, 148, 149, 341, 323, 447, 448, 307, 504 and 302 of the Indian Penal Code lodged on 11.06.2021 by the informant, Ranjana Devi.

As per the prosecution story, the informant and her family members were taking dinner when the accuseds entered and allegation is that the Bidhlal Sahani, Kari Sahani, Moni Sahani and Santosh Sahani attacked his brother, Sanjeev Sahani who died due to injury on his chest. Accordingly, the FIR.

Learned counsel for the petitioners submit that only



because they belong to the family, implicated. According to him, as per the FIR itself, the specific allegation is against the four accused persons who attacked informant's brother causing his death. They were away in Delhi but have been implicated.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that there has been a death in the family of informant, the accused persons cannot exonerate them from the allegation.

Considering the fact that the specific allegation is against four aforesaid accused persons, omnibus allegation is against these petitioners, none of them have criminal antecedents, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Muzaffarpur (East) in connection with Aurai P.S. Case No. 116 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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