

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71232 of 2023

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

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RAM EKWAL SAHNI S/O LATE BIHARI SAHNI R/O VILLAGE-
GOSAIPUR, P.S- AHIYAPUR, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ahiyapur P.S. Case No. 642 of 2022, F.I.R. dated 20.07.2022, registered for the offence punishable under Sections 341, 323, 326 and 302/34 of the Indian Penal Code.

3. The prosecution story, in short, is that the accused persons assaulted the informant, his brother and family members with dabiya and other deadly weapons, due to which the brother of the informant died.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has been falsely implicated in the present case due to admitted land dispute. He further submits that, it appears from a bare perusal of the F.I.R. that there



is no specific allegation of assault or overtact against the petitioner, rather there is specific allegation of assault against Ram Bahadur Sahani, who has assaulted the brother of the informant. The brother of the informant namely Lalu Sahni sustained injury and during course of treatment he died. He further submits that similarly situated co-accused namely Sarita Devi @ Sabita Devi has been granted anticipatory bail vide order dated 30.08.2023, passed in Cr. Misc. No. 26802 of 2023 and co-accused Renu Devi and others have been granted anticipatory bail vide order dated 24.07.2023, passed in Cr. Misc. No. 33856 of 2023 by a Coordinate Bench of this Court.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, the petitioner has clean antecedent, no specific allegation of assault or overtact has been attributed against the petitioner, similarly situated co-accused persons have been granted anticipatory bail by a Coordinate Bench of this Hon'ble Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned C.J.M., Muzaffarpur in connection with Ahiyapur P.S. Case No. 642 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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