

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73369 of 2022**

Arising Out of PS. Case No.-1027 Year-2022 Thana- TURKAULIYA District- East  
Champaran

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1. EAKSAN SAHANI @ ACTION SAHNI Son of Ram Baran Sahani R/V- Jhakhiya, P.S- Banjariya Dist- East Champaran
  2. Shashi Sahni @ Shashi Sahani Son of Ram Baran Sahani R/V- Jhakhiya, P.S- Banjariya Dist- East Champaran
  3. Bagar Sahni @ Bagar Sahani Son of Ram Baran Sahani R/V- Jhakhiya, P.S- Banjariya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dhannjay Kumar No 2  
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      13-01-2023                      Heard learned counsel for the petitioners and  
learned APP for the State.

Learned counsel for the petitioners seeks  
permission to withdraw this application as against the petitioner  
no.1 as he has already been arrested by the police, during  
pendency of this application.

Permission is granted.

Accordingly, the instant application as against the  
petitioner no.1 is dismissed as withdrawn.

Now, this application is being heard for  
consideration of anticipatory bail as against the petitioner no.2



&3 only.

Heard the parties.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 32 liters of foreign liquor is said to have recovered from the house of the co-accused Dilip Chaudhary. He submits that allegation against the petitioners is that after seeing the police they have fled away from the place of occurrence. He further submits that petitioner no.2 has got two criminal antecedents and petitioner no.3 has one criminal antecedent as stated in para-3 of the bail application.

Petitioner no.2 is agreed to deposit a sum of Rs. 30,000/-(Rupees Thirty Thousand) and petitioner no.3 is agreed to deposit a sum of Rs. 20,000/- (Rupees Twenty Thousand) in the PM Cares Fund, bearing Account No. 2121PM20202, IFSC Code: SBIN0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID: pmcares@sbi.



Considering the facts and circumstance of the case and the fact that there is nothing recovered from the conscious possession of the petitioner nos.2 & 3, let the above named petitioner nos.2 & 3, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be enlarged on bail on furnishing bail bonds 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 Turkauliya P.S. Case No. 1027/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of



misuse.

The bail bond of the petitioner no.2 & 3 shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of PM Cares Fund.

**(Anjani Kumar Sharan, J)**

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