

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72671 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- DARBHANGA District- Darbhanga

1. SHARVAN SAHNI Son of Late Nanu Sahni Resident of Village- Brahmasthan, Ward No.-22, P.S.- Nagar (Town), District- Darbhanga
2. MITHU SAHNI Son of Sharvan Sahni Resident of Village- Brahmasthan, Ward No.-22, P.S.- Nagar (Town), District- Darbhanga
3. PACHHU SAHNI @ PANCHU SAHNI Son of Sharvan Sahni Resident of Village- Brahmasthan, Ward No.-22, P.S.- Nagar (Town), District- Darbhanga
4. DABLOO SAHNI Son of Sharvan Sahni Resident of Village- Brahmasthan, Ward No.-22, P.S.- Nagar (Town), District- Darbhanga
5. KANHAIYA SAHNI Son of Sharvan Sahni Resident of Village- Brahmasthan, Ward No.-22, P.S.- Nagar (Town), District- Darbhanga
6. KARAN SAHNI @ ANURAG SAHNI Son of Pachhu Sahni @ Panchu Sahni Resident of Village- Brahmasthan, Ward No.-22, P.S.- Nagar (Town), District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 At the outset, the learned counsel for the petitioners submits that the petitioner no. 5 has already been arrested during the interregnum period, hence, the present petition *qua* him has been rendered infructuous.

Accordingly, the present petition stands dismissed as not pressed *qua* the petitioner no. 5.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.



This is an application for grant of anticipatory bail in connection with Darbhanga (Town) PS case no. 183 of 2022, registered for the offences punishable under Sections 354 and other allied sections of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein, variously armed, having forcibly entered inside the house and assaulted the informant, her husband and her two sons, resulting in them sustaining various injuries.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the petitioners are accused in one another case but they are on bail in the said case. It is further submitted that for the same incident, the petitioner no. 5 has also lodged an FIR against the informant and others and the said case, filed by the petitioner no. 5, is first in time and only thereafter, the present case has been lodged as a counterblast and that too after a lapse of 03 months, inasmuch as the offence is alleged to have been committed on 08.04.2022, however, the F.I.R. was instituted only on 09.07.2022. Lastly, it is submitted that that the present case has arisen on account of land dispute.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the present case arises out of case and counter case, the case filed by the petitioner no. 5 being first in time apart from the fact that the F.I.R. in question, has been filed after a delay of about 03 months, I deem it fit and appropriate to admit the petitioners no. 1 to 4 and 6 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 1 to 4 and 6, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Darbhanga in connection with Darbhanga (Town) PS case no. 183 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

