

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74993 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- UJIYARPUR District- Samastipur

1. Panchu Kumar @ Panchulal Sahni, Son of Shiv Shankar Sahni, R/O Village-Ujiarpur, P.S.- Ujiarpur, District- Samastipur.
2. Chhoti Sahni @ Panchdev Kumar, Son of Shiv Shankar Sahni, R/O Village-Ujiarpur, P.S.- Ujiarpur, District- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Abhay Shankar Singh, Advocate
For the Opposite Party : Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Ujiarpur P.S. Case No. 138 of 2023 dated 25.04.2023 registered for the offences punishable under Sections 341, 323, 224, 225, 353, 379, 427 and 504/34 of the I.P.C.

4. As per the prosecution case, the petitioners and



the other accused persons are alleged to have created obstruction in discharging the official duty of the police. It is further alleged that they also forcibly freed the apprehended co-accused Chhoti Sahni, who is an accused of Ujiarpur P.S. Case No. 400/2022, from police custody and damaged the vehicle.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. No incriminating article has been recovered from possession of the petitioners. The recovered Motorcycle from the place of occurrence does not belong to the petitioners. The petitioner no. 1 is a student of B.Ed., second year and he has no concern with the alleged occurrence. The petitioners has one criminal antecedent in which the petitioner no. 2 is on bail and anticipatory bail application of the petitioner no. 1 is pending before the Hon'ble Court, as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and



circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Dalsingsarai, Samastipur, in connection with Ujiarpur P.S. Case No. 138 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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