

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.721 of 2023

Arising Out of PS. Case No.-202 Year-2016 Thana- BIRAUL District- Darbhanga

1. RAMCHANDRA SAHANI Son of Late Budhan Sahani Resident of Village- Kahua, P.S.- Biraul, District- Darbhanga
2. GUDDU SAHANI Son of Ramchandra Sahani Resident of Village- Kahua, P.S.- Biraul, District- Darbhanga
3. PAWAN SAHANI Son of Ramchandra Sahani Resident of Village- Kahua, P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-05-2023 At the outset, the learned counsel for the petitioners seeks not to press the present petition qua the petitioner no. 1, however, seeks liberty on his behalf to enable him to surrender before the learned court below and file appropriate petition for grant of bail, however, seeks a direction upon the learned trial court to consider and dispose off his bail petition on the very same day.

It is directed accordingly.

The present petition qua the petitioner no. 1 stands disposed off as not pressed.

Heard the learned counsel for the



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

The petitioners no. 2 and 3 apprehend their arrest in connection with Biraul P.S. Case No. 202 of 2016 registered for the offences punishable under Sections 341, 323, 324, 307, 354, 506 and 34 of the Indian Penal Code.

The allegation is regarding the accused persons having surrounded the informant while she had gone to attend to natural call and then the petitioner no. 1 is stated to have inflicted farsa blow on her head and when her husband had arrived there to rescue her, the other co-accused persons had also assaulted him.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled as far as the petitioners no. 2 & 3 are concerned, hence they be admitted to the privilege of anticipatory bail.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory 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 a general and omnibus allegation has been levelled qua the petitioners no. 2 & 3 apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners no. 2 & 3 herein to the privilege of anticipatory bail.

Accordingly, the petitioners no. 2 & 3, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Biraul at Darbhanga in connection with Biraul P.S.



Case No. 202 of 2016 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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