

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12314 of 2024

Arising Out of PS. Case No.-275 Year-2023 Thana- MEHSI District- East Champaran

Rajesh Sahani @ Rajesh Ram Son of Rajendra Sahani @ Rajendra Ram, R/O
Village- Uthilpur, P.S.- Mehshi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Prateek Tandon, the learned counsel for
the petitioner and Mr. Umeshanand Pandit, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with G.R. No. 5348 of 2023, arising out of Mehshi PS
Case No. 275 of 2023, FIR dated 22.08.2023, registered for the
offences punishable under Sections 147, 148, 149, 188, 341,
153(A), 295(A), 323, 307, 332, 353, 427, 504 and 506 of the
Indian Penal Code.

3. According to prosecution case, 25 named and 250
-300 unknown miscreants threw bricks and pelted stone chips
on the members of a religious procession. It is further alleged
that the informant and other police personnel who were deputed
for maintaining law and order during that religious procession



tried to pacify the mob, however, they were also assaulted by them and sustained injuries.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegations as alleged in the FIR are false and fabricated and the petitioner has not committed any such offence as alleged in the FIR. Although, the petitioner is named in the FIR, but upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegations against all the co-accused persons including the petitioner. He further submits that the co-accused persons namely, Gopal Sahani and others were granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 18.01.2024 passed in Cr. Misc. No. 83459 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, there is no specific allegation of any assault or overt act attributed against the petitioner and similarly situated co-accused persons have



been granted anticipatory bail by a co-ordinate Bench of this Court, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, where the case is pending in connection with **Mehsi PS Case No. 275 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of 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 antecedent, the Court below shall take step for cancellation of 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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