

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14854 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- SIDHWALIYA District- Gopalganj

1. Rabindra Sahni @ Ravindra Sahni SON OF Bhagelu Sahni Village- Sadaua, P.S.- Sidhwaliya, District- Gopalganj
2. Raju Sahni Son Of Bhagelu Sahni Village- Sadaua, P.S.- Sidhwaliya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Sidhwalia P.S. Case No. 149 of 2023, lodged on 10.05.2023 under Sections 341, 323, 324, 325, 447, 504, 506, 34 of the Indian Penal Code and later on added sections 307, 302 of the IPC.

3. As per the prosecution case, FIR has been lodged against 13 named accused persons including the present petitioners. The allegation in the FIR is in two parts. In the first part, 7 named accused persons came and assaulted the informant's family members with iron rod, *lathi* and *danda*. In



the second part, 6 named accused persons came later on in which the present petitioners were present and they also assaulted the informant's family members.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. Counsel also submits that the present petitioners were members of the mob who came later on against whom there is no specific allegation, rather, a general and omnibus allegation is there. Counsel further submits that the specific allegation is against Kishore Sahani and Dinesh Sahani and not against the present petitioners. Counsel submits that from the contents of the FIR, it is also clear that due to *pattidari* land dispute, occurrence took place and for the same date and place of occurrence, two cases have been lodged i.e. one from the informant's side bearing Sidhwalia P.S. Case No. 149 of 2023 and another from the petitioner's side bearing Sidhwalia P.S. Case No. 150 of 2023.

5. Learned counsel for the petitioners submit that the criminal antecedent of the petitioners are clean. Counsel further submits that scuffling took place from both the side's and injury has also been caused to both the side's.

6. Learned APP for the State opposes the prayer for bail of the petitioners.



7. As such, considering the aforesaid facts and circumstances, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM 1st, Gopalganj, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J.)

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