

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18152 of 2024

Arising Out of PS. Case No.-68 Year-2022 Thana- MAHINDWARA District- Sitamarhi

1. ARJUN SAHNI S/o Mahendra Sahni R/o Vill-Batrauli, P.S.-Mahindwara, District-Sitamarhi.
2. AJAY SAHNI @ AJAY KUMAR @ AJAY S/o Vinod Sahni R/o Vill-Koahi @ Kowahi, P.S.-Mahindwara, Dist.-Sitamarhi.
3. AKASH SAHNI @ AKASH KUMAR S/o Manoj Sahni R/o Vill-Koahi @ Kowahi, P.S.-Mahindwara, Dist.-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Shanti Bhushan Singh, learned counsel
for the petitioners and Mr. Narsingh Tanti, learned APP for the
State.

2. The petitioners are apprehending their arrest in connection with Mahindwara P.S. Case No. 68 of 2022, F.I.R. dated 26.04.2022 registered for the offences punishable under Sections 147, 148, 341, 323, 307, 427, 436, 379, 504/506 of the Indian Penal Code.

3. Prosecution case, in brief, is that in the night of 24.04.2022 at 9:00 P.M. accused Arjun Sahni in drunken condition, on protest of using filthy words against female, gave



the informant threat of life and on his call petitioners and other co-accused persons came there, attacked upon him alongwith 15-20 unknown persons with intention to kill him. Co-accused Rohit Sahni inflicted Dabiya blow upon the informant's head causing cut injury. Co-accused Mohit Sahni also inflicted blow with Dabiya upon the head of Bhola Sahni causing cut injury, co-accused Santosh Sahni inflicted blow upon head of Indrakala Devi and Tunu Sahni inflicted Dabiya blow upon head of Gonouri Devi which caused on her palm. It has been further alleged that petitioners and other co-accused persons set his house on fire in which he was residing leading to burning of beds and utensils etc.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 24.04.2022 but the present F.I.R. was instituted on 26.04.2022 after delay of two days without giving explanation of delay. He further submits that as per allegation in the F.I.R. co-accused person namely Rohit Sahni, Mohit Sahni and Santosh Sahni have assaulted the informant and their family



members and there is no specific allegation of any assault or overt act attributed against these petitioners and there is case and counter case between the parties and petitioner no. 1 has also received the injury in the present occurrence.

5. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R. and petitioner nos. 1, 2 and 3 carry one more case other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner nos. 1, 2 and 3 are on bail in the pending matters.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Mahindwara P.S. Case No. 68 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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