

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33245 of 2024

Arising Out of PS. Case No.-859 Year-2020 Thana- KHAGARIA District- Khagaria

1. Indal Sahni @ Indrajit Kumar, Son of Devo Sahni Resident of Village- Mathurapur Navtoliya, P.S. and District- Khagaria
2. Sikiya Sahni @ Sikandar Kumar, Son of Gobardhan Sahni Resident of Village- Mathurapur Navtoliya, P.S. and District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 308, 379, 504 and 506 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner no.2 is person with clean antecedent, but inadvertently the same could not be pleaded at Para-3. It is next submitted that from perusal of allegation as alleged in the F.I.R., it would manifest that the informant alleges that on 13.11.2020 at about 7.30 P.M.



while he was returning to his house and reached near Navtoliya Chowk, the accused persons including the petitioners surrounded him and assaulted him with lathi, danda and iron rod and when his cousin brother Vishal Kumar Singh came to save him, it is alleged that Birendra Sahani assaulted on his head by an iron rod causing injury and thereafter, Indar Sahani snatched his golden chain and Baua Sahani took out Rs.35,000/- from the pocket of the informant.

4. The learned counsel for the petitioners submits that specific allegation of assault is against Birendra Sahani and the allegation of assault as far as informant is concerned, the same is general and omnibus in nature and allegation of snatching of golden chain is ornamental and no specific allegation of assault is alleged against the petitioner no.2.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned C.J.M., Khagaria in connection with Khagaria P. S. Case No.859 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than one case and petitioner no.2 has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to, but if the petitioner no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent in that event, the anticipatory bail application shall be given effect forthwith.

(Satyavrat Verma, J)

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