

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35983 of 2024

Arising Out of PS. Case No.-1222 Year-2023 Thana- TURKAULIYA District- East
Champaran

Surendra Sahani S/o Chandrika Sahani R/o vill - Pipariya, P.S. - Turkauliya,
Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 26428 of 2024

Arising Out of PS. Case No.-1222 Year-2023 Thana- TURKAULIYA District- East
Champaran

1. Mahendra Sahni Son of Late Chandra Deo Sahani Resident of Village-
Pipriya, P.S.- Turkauliya, District-East Champaran
2. Shambhu Sahani Son of Late Chandra Deo Sahani Resident of Village-
Pipriya, P.S. Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 31126 of 2024

Arising Out of PS. Case No.-1222 Year-2023 Thana- TURKAULIYA District- East
Champaran

1. Chandrika Sahani son of Late Bhanu Sahani Village- Pipriya Ps- Turkauliya
Dist- East Champaran
2. Birendra Sahani son of Chandrika Sahani Village- Pipriya Ps- Turkauliya
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 35983 of 2024)
For the Petitioner/s : Mr. Bakshi S.R.P. Sinha- Sr. Advocate
Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.
(In CRIMINAL MISCELLANEOUS No. 26428 of 2024)
For the Petitioner/s : Mr. Dhurendra Kumar
For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.
(In CRIMINAL MISCELLANEOUS No. 31126 of 2024)
For the Petitioner/s : Mr. Dhurendra Kumar
For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.



CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-09-2024 **CRIMINAL MISCELLANEOUS No.35983 of 2024**

1. Heard learned senior counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in Turkauliya P. S. Case No.1222 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code and later on, Section 302 I.P.C. was also added.

3. The learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the instant by the informant. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault to Dadan is alleged against the petitioner, but then, he is alleged to have assaulted the informant.

4. The learned Additional Public Prosecutor Sri Chandra Bhushan Prasad opposes the anticipatory bail application and submits that Manish Kumar Sahani @ Manish Kumar had approached this Court seeking anticipatory bail by filing Cr. Misc. No.33295 of 2024 and the same came to be rejected by an order dated 25.09.2024. It is also submitted that



no doubt, petitioner is not alleged to have assaulted the deceased, but then, he is alleged to have assaulted the informant and petitioner along with other accused had intercepted Dadan (deceased), informant and others and thereafter, assaulted them. It is also submitted that Dadan died subsequently. It is thus submitted that one person on account of assault made by the accused persons died, the petitioner may not have assaulted, but then, he was present at the place of occurrence, when deceased was assaulted. It is next submitted that investigation of the case is in its nascent stages and if privilege of anticipatory bail application is granted to the petitioner, in that event, the petitioner may abscond.

5. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

6. The prayer of the petitioner for anticipatory bail stands rejected accordingly.

CRIMINAL MISCELLANEOUS No. 26428 of 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 Turkauliya P. S. Case No.1222 of 2023 registered for



the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code and later on, Section 302 I.P.C. was also added.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that petitioners are not alleged to have assaulted the deceased Dadan, but then, are alleged to have assaulted Rajendra and Ram Surat.

4. The learned Additional Public Prosecutor Sri Chandra Bhushan Prasad opposes the anticipatory bail application and submits that Manish Kumar Sahani @ Manish Kumar had approached this Court seeking anticipatory bail by filing Cr. Misc. No.33295 of 2024 and the same came to be rejected by an order dated 25.09.2024. It is also submitted that petitioners though are not alleged to have assaulted Dadan, who died subsequently, but then, they were also present at the place of occurrence and had assaulted Ram Surat and Rajendra. It is further submitted that prosecution story in detail has been considered in Cr. Misc. No.33295 of 2024. It is next submitted that investigation of the case is in its nascent stages and if privilege of anticipatory bail application is granted to the



petitioners, in that event, the petitioners may abscond.

5. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

6. The prayer of the petitioners for anticipatory bail stands rejected accordingly.

CRIMINAL MISCELLANEOUS No. 31126 of 2024

1. Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in Turkauliya P. S. Case No.1222 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code and later on, Section 302 I.P.C. was also added.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent. It is next alleged that from perusal of the allegation as alleged in the FIR, it would manifest that petitioner no.1 (Chandrika Sahani) is alleged to have assaulted Rajendra along with Mahendra Sahani and petitioner no.2 (Birendra Sahani) is alleged to have assaulted the informant. It is also submitted that there is no specific allegation against the petitioners of assaulting the



deceased i.e. Dadan Chaudhary. The learned counsel also submits that petitioner no.1 is a senior citizen aged about 75 years and has remained a person with clean antecedent and all of a sudden has been made a criminal in the instant case by alleging that he assaulted Rajendra along with Mahendra.

4. The learned Additional Public Prosecutor Sri Chandra Bhushan Prasad opposes the anticipatory bail application and submits that Manish Kumar Sahani @ Manish Kumar had approached this Court seeking anticipatory bail by filing Cr. Misc. No.33295 of 2024 and the same came to be rejected by an order dated 25.09.2024. It is also submitted that the case has been considered in detail in the said case, but then, it is an admitted fact that Dadan Chaudhary died, who were intercepted by the accused persons including the petitioners. It is also submitted that the petitioners may not have assaulted Dadan, but then, they were present there at the place of occurrence. It is next submitted that investigation of the case is in its nascent stages and if privilege of anticipatory bail application is granted to the petitioners, in that event, the petitioners may abscond.

5. At this stage, the learned counsel appearing on behalf of the petitioners submits that petitioner no.1 will not



abscond rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioner no.1, Chandrika Sahani, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya P. S. Case No.1222 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. So far as allegation of petitioner no.2 is concerned, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner no.2, Birendra Sahani.

9. The prayer of the petitioner no.2 for anticipatory bail stands rejected accordingly.

(Satyavrat Verma, J)

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