

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38664 of 2024

Arising Out of PS. Case No.-156 Year-2023 Thana- KUDHNI District- Muzaffarpur

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1. Shankar Sahni @ Shankar Sahani Son of Chhotu Sahni Resident of Village - Kharauna, P.S. - Kudhani (Turki), District - Muzaffarpur.
 2. Gandhi Sahni Son of Chhotu Sahni Resident of Village - Kharauna, P.S. - Kudhani (Turki), District - Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Vijay Kumar, Advocate

For the Opposite Party : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-08-2024 Heard Mr. Vijay Kumar, learned counsel for the petitioners and Mr. Nand Kishore Prasad, learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Kudhani (Turki) P.S. Case No. 156 of 2023 registered for the offences punishable under Sections 341, 323, 325, 307, 354(B), 504, 506/34 of the Indian Penal Code. The petitioner no. 2 has no criminal antecedent, however, petitioner no. 1 has got two criminal antecedents and he is on bail in both the cases.

3. As per the prosecution story, on 07.04.2023 at about 9.30 pm, a feast was organised by the informant, when all the accused persons including the petitioners variously armed reached there. One Surendra Sahani assaulted the informant by an iron rod

on his head due to which he sustained injury and when Chhotan Sahni came to his rescue, one Kishore Sahni assaulted him by *lathi* due to which he sustained head injury. One Mukesh Sahni was assaulted by Janardhan Sahni and one Nirmala Devi was assaulted by Arun Sahni due to which her hand got fractured. It is alleged that the accused persons assaulted everyone who came to rescue the informant and were abusing the informant.

4. Learned counsel for the petitioners submits that the allegations against these two petitioners are general and omnibus. It is further submitted that this Court has granted privilege of pre-arrest bail to the co-accused persons in Criminal Miscellaneous No. 60213 of 2023 (Surendra Sahani and Others Vs. The State of Bihar) and the case of these petitioners would also stand on similar footing.

5. Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners but no distinction has been shown as to whether the case of these petitioners would stand on different footing from those who have already been granted anticipatory bail in Criminal Miscellaneous No. 60213 of 2023.

6. Having regard to the submissions that the allegations against these two petitioners are general and omnibus and their case would stand on similar footing with the petitioners in Criminal Miscellaneous No. 60213 of 2023 (Surendra Sahani and

Others Vs. The State of Bihar), no distinction having been shown to this Court by learned APP for the State, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Kudhani (Turki) P.S. Case No. 156 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Muzaffarpur, West, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 antecedent, 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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