

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39162 of 2024

Arising Out of PS. Case No.-224 Year-2022 Thana- VAISHALI District- Vaishali

1. Muntun Sahani @ Muntun Kumar, S/O Raju Sahani R/O Village- Sorhath Talarohua, Ward No.- 05, P.S- Vaishali, Distt.- Vaishali.
2. Rohit Kumar S/O Raudi Sahani, R/O Village- Sorhath Talarohua, Ward No.- 05, P.S- Vaishali, Distt.- Vaishali.
3. Birchandra Sahani @ Bichindra Sahani, S/O Dasrath Sahani R/O Village- Sorhath Talarohua, Ward No.- 05, P.S- Vaishali, Distt.- Vaishali.
4. Lakhendra Sahani, S/O Dasai Sahani R/O Village- Sorhath Talarohua, Ward No.- 05, P.S- Vaishali, Distt.- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
		Mr. Hemant Ray
For the Opposite Party/s :		Mr. Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-08-2024 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 341, 323, 324, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioners submits that by order dated 26.06.2024, case diary as well as criminal antecedent of the petitioners was called for, but then, from perusal of the office report dated 06.08.2024, it would manifest



that neither the case diary nor the criminal antecedent report of the petitioners has been received.

4. The Court will not wait endlessly for the case diary and the criminal antecedent of the petitioners, The Court proceeds to consider the case on merits.

5. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that accused persons came and started abusing him and dragged his wife by her hair. Further, on orders of Shekhar, Muntun, Rohit and Bichindra Sahani tried to commit rape, thereafter, assaulted them by named persons in the F.I.R. Further, Rohit fired in air while Sujit, Bablu, Deepak and Upendra Sahani entered the house and took away ornaments worth Rs.1,20,000/- and Muntun also snatched chain of his son.

6. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that that the same is vague and cryptic. It is also submitted that no specific allegation is alleged though there is allegation of trying to commit rape of the wife of the informant, but then, it is submitted that the said allegation along with taking away of ornaments and chain are ornamental



in nature. It is also submitted that on account of dispute relating to land, the present occurrence is alleged to have taken place. It is next submitted that though there is allegation against Rohit that he fired in the air, but then, no one was injured that amply demonstrates that the entire allegations have been alleged only to coerce the petitioners into submission.

7. The learned counsel at the cost of repetition submits that petitioners are person with clean antecedent and no offence under Section 307 of the I.P.C. is made out in the nature of allegation. It is also submitted that petitioners will not abscond rather will cooperate in the investigation.

8. Learned A.P.P. Sri Rabindra Kumar opposes the anticipatory bail application.

9. 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 Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Vaishali P. S. Case No.224 of 2022, subject to the conditions



laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

11. 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 petitioners have criminal antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to in favour of such petitioners, who have criminal antecedent.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

