

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48340 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- SONBERSA District- Sitamarhi

Rabindra Sahni Son Of Raghunath Sahni Resident Of Village - Dalkava, P.S. -
Sonbarsa, District - Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Advocate
Mr. Arya Achint, Advocate
For the State : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard Mrs. Nivedita Nirvikar, learned counsel

for the petitioner and Mr. Abhay Kumar, learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Sonbarsa P.S. Case No. 43 of 2024 for the offence under sections 342, 323, 307, 302 and 34 of the I.P.C. lodged on 31.01.2024 by the informant, Chandrakala Devi.

3. As per the prosecution story, on the issue of movement of water toward the house of the informant, the dispute arose and allegation is that the entire family members of the Raghunath Sahni assaulted her husband. Specific allegation is against Raghunath Sahni of using the iron rod to hit on the head of the informant's husband while, Gajendra



Kumar gave repeated knife blow. So far as the other accused persons including this petitioner is concerned, the omnibus allegation of assault is there, accordingly, the F.I.R.

4. Learned Senior counsel submits that a perusal of the F.I.R. would show that the death has been opined due to head injury, as per the incorporation in the learned Session Judge order which admittedly is attributed to Raghunath Sahni. She further submits that allegation is also against the Gajendra Kumar of giving repeated knife blow but so far as this petitioner is concerned, only to implicate the entire family members he has been rounded of.

5. Learned APP opposes the prayer submitting that there is omnibus allegation of assault is against this petitioner also.

6. Taking into account the aforesaid fact of the case as also that there is specific allegation against Raghunath Sahni whose iron rod injury on the head of the informant's husband proved fatal and then there is Gajendra Kumar who gave repeated knife blow, so far as this petitioner is concerned, omnibus allegation is there and he do not have criminal antecedent, this Court is inclined to extend him the



privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Sonbarsa P.S. Case No. 43 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at
liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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