

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60033 of 2024

Arising Out of PS. Case No.-149 Year-2024 Thana- MADHUBAN District- East Champaran

1. Ramadhar Sahani son of Late Nathuni Sahani village- Lahladvapur Op Gadahiya Ps -Madhuban Disrrict -East Champaran
2. Rakesh Sahani son of Prabhu Sahani village- Lahladvapur Op Gadahiya Ps -Madhuban Disrrict -East Champaran
3. Mukesh Sahani son of Rajendra Sahani village- Lahladvapur Op Gadahiya Ps -Madhuban Disrrict -East Champaran
4. Saroj Sahani son of Rupam Sahani @ Rupan Sahani village- Lahladvapur Op Gadahiya Ps -Madhuban Disrrict -East Champaran
5. Manoj Sahani son of Ramadhar Sahani village- Lahladvapur Op Gadahiya Ps -Madhuban Disrrict -East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajesh Kumar, Advocate
For the Opposite Party : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Rajesh Kumar, the learned counsel for the petitioners and Mr. Rajendra Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Madhuban PS Case No. 149 of 2024, FIR dated 07.04.2024, registered for the offences punishable under Sections 341, 323, 324, 307, 504, 354(B), 379 and 506 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the co-accused persons, variously armed, assaulted the informant and one



Rakesh Sahani assaulted her by means of *dabiya* on her head and Manoj Sahani, Saroj Sahani and Mukesh Sahani outraged her modesty and one Ramadhav Sahani snatched her *mangalsutra* worth Rs. 24000/- (Rupees Twenty-four thousand).

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that although there is allegation against the petitioners that they have assaulted the informant and her family members, however, there is no specific allegation of any assault attributed against these petitioners. He lastly submits that although informant has received injury, but the injury report of the informant suggests that injury is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and injury inflicted upon the informant is found to be simple in nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period



of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, where the case is pending in connection with **Madhuban PS Case No. 149 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court 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.

(Rajesh Kumar Verma, J)

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