

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63422 of 2024

Arising Out of PS. Case No.-183 Year-2024 Thana- CHIRAIYA District- East Champaran

1. Dukhani Devi Wife of Suresh Sahani R/O Vill.- Akauna, Post- Mishraulliya, P.S.- Chiraiya, Dist.- East Champaran.
2. Ramprasad Sahani Son of Basdeo Sahani R/O Vill.- Akauna, Post- Mishraulliya, P.S.- Chiraiya, Dist.- East Champaran.
3. Subhash Sahani Son of Basdeo Sahani R/O Vill.- Akauna, Post- Mishraulliya, P.S.- Chiraiya, Dist.- East Champaran.
4. Lagi Sahani Son of Late Chanardev Sahani @ Chandeo Sahani R/O Vill.- Akauna, Post- Mishraulliya, P.S.- Chiraiya, Dist.- East Champaran.
5. Rinku Devi Wife of Subhash Sahani R/O Vill.- Akauna, Post- Mishraulliya, P.S.- Chiraiya, Dist.- East Champaran.
6. Devraj Kumar @ Deoraj Kumar Son of Ramprasad Sahani R/O Vill.- Akauna, Post- Mishraulliya, P.S.- Chiraiya, Dist.- East Champaran.
7. Deepak Kumar Son of Bagad Sahani @ Umalal Sahani R/O Vill.- Akauna, Post- Mishraulliya, P.S.- Chiraiya, Dist.- East Champaran.
8. Vikram Kumar @ Bikram Sahani Son of Suresh Sahani R/O Vill.- Akauna, Post- Mishraulliya, P.S.- Chiraiya, Dist.- East Champaran.
9. Suman Kumar Son of Munna Sahani R/O Vill.- Akauna, Post- Mishraulliya, P.S.- Chiraiya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 14-11-2024 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. The petitioners are apprehending their arrest in

connection with Chiraiya P.S. Case No. 183 of 2024 dated

01.05.2024, lodged under Sections 147, 148, 149, 341, 323, 324,



307, 447, 379 and 504 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against 24 named accused persons against whom there is an allegation that all the accused persons gathered together and in connivance with each reached at the house of the informant and assaulted the informant's side brutally due to previous enmity.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that informant's side and petitioners' side are well known to each other as it is apparent from the FIR that previous enmity exists between both the parties. Counsel further submits that the entire family members of the petitioners and other associated persons were made accused in this case. Counsel submits that there is absolutely no allegation of act or overt act against petitioner nos.1, 2, 5, 6 and 7 and they are only member of the mob. Counsel further submits that the criminal antecedent of all the petitioners are clean except petitioner no.4 against whom there are three criminal cases pending against him.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that it is true that there is absolutely no allegation of act or overt act against petitioner



nos.1, 2, 5, 6 and 7 but, against other accused persons, there are allegation and previous enmity is also there between the parties.

6. As such, considering the aforesaid facts and circumstances, let the above named petitioner no.1 namely Dukhani Devi, petitioner no.2 namely Ramprasad Sahani, petitioner no.5 namely Rinku Devi, petitioner no.6 namely Devraj Kumar and petitioner no.7 namely Deepak Kumar be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Sikrahana at Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 183 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C.

7. So far as the case of petitioner no.3 namely Subhash Sahani, petitioner no.4 namely Lagi Sahani, petitioner no.8 namely Vikram Kumar and petitioner no.9 namely Suman Kumar are concerned, this Court is not inclined to grant bail to them and accordingly, the prayer for anticipatory bail of petitioner nos.3, 4, 8 and 9 are hereby rejected.

8. It is directed to the petitioner nos.3, 4, 8 and 9 to



surrender before the learned Court below within a period of 4 weeks from today. In case, petitioner nos.3, 4, 8 and 9 surrenders within four weeks, then the Trial Court is directed to pass order on their surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of petitioner nos.3, 4, 8 and 9 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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