

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64904 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Sito Sahani Son of Late Bhullu Sahani Resident of Village- Karor Durga Asthan, P.S.- Cheria Bariyarpur, District- Begusarai
 2. Bhutto Sahni @ Bhultawa Sahani @ Rajendra Sahani Son of Ram Prakash Sahni Resident of Village- Karor Durga Asthan, P.S.- Cheria Bariyarpur, District- Begusarai
 3. Kaltu Sahni @ Khalthu Sahani @ Surendra Sahani Son of Ram Prakash Sahni Resident of Village- Karor Durga Asthan, P.S.- Cheria Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65634 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Suresh Sahni Son of Late Bhullu Sahni Village- Karor Durga Asthan, P.S.- Cheriya Bariyarpur, District- Begusarai
 2. Indal Sahni son of Suresh Sahni Village- Karor Durga Asthan, P.S.- Cheriya Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64904 of 2024)

For the Petitioner/s : Mr. Yogesh Kumar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 65634 of 2024)

For the Petitioner/s : Mr. Yogesh Kumar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-10-2024 Heard learned Counsel for the petitioners and learned



APP for the State.

2. The petitioners apprehend their arrest in connection with Cheria Bariyarpur P.S. Case No. 302 of 2023 for the offence registered under sections 147, 148, 149, 341, 323, 307, 385, 379, 504 and 506 of the IPC lodged on 17.10.2023 by the informant Abhay Shankar Singh.

3. As per the prosecution story, the informant alleged that while he was returning home by the tractor after plucking the maize, the accused persons armed variously came and after demanding extortion, while Sito Sahni (petitioner no. 1 in Cr. Misc. No. 64904 of 2024) put pistol on his chest, Suresh Sahni (petitioner no. 1 in Cr. Misc. No. 65634 of 2024) assaulted with iron rod, the allegation against Rajiv Sahni (not the petitioner here) is of snatching Rs. 3,500 from his pocket and further demanded extortion of Rs. 1,00,000/-. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that admittedly, Rajiv Sahni at that point of time was under judicial custody in connection with Cheria Bariyarpur P.S. Case No. 129 of 2021 which shows how exaggerated the FIR is. Further, the main allegation of assault is on Suresh Sahni and the injury has been found to be simple in nature.

5. Further, the submission is that without accepting



the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners in Cr. Misc. No. 64904 of 2024 on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP for the State, on the other hand, has taken this Court to the injury report to show that 2x2` inch injury has been found in the temporal occipital region of the informant.

7. Considering the assault theory that has been assigned to Suresh Sahni (petitioner no. 1 in Cr. Misc. No.65634 of 2024), his anticipatory bail application stands rejected, he is directed to surrender within four weeks and seek bail.

8. So far as the other accused persons in both the anticipatory bail applications are concerned, none of them have criminal antecedent, though putting revolver on the chest is attributed to Sito Sahni, in view of the fact that as per the case, one of the accused named in the FIR, Rajiv Sahni was in the judicial custody, in that background, this Court is inclined to



grant them the anticipatory bail with conditions subject to subject to payment of Rs. 10,000/- to the informant, Abhay Shankar Singh as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

9. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheria Bariyarpur P.S. Case No. 302 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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



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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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