

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72751 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- SIMRI District- Darbhanga

1. Jalim Sahni S/o Shiv Nath Sahni R/o vill - Kansi, P.S. - Simri, Distt. - Darbhanga
2. Birju Kumar @ Birju Sahni S/o Jalim Sahni R/o vill - Kansi, P.S. - Simri, Distt. - Darbhanga
3. Sudhir Sahni S/o Jalim Sahni R/o vill - Kansi, P.S. - Simri, Distt. - Darbhanga
4. Buchchi Devi @ Buchiya Devi W/o Jalim Sahni R/o vill - Kansi, P.S. - Simri, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 25-10-2024 Learned counsel for the petitioners seeks permission to withdraw the application with regard to petitioner no.1, namely, Jalim Sahni as he has been arrested.

2. Permission is accorded.

3. Accordingly, the application with regard to petitioner no.1, namely, Jalim Sahni is dismissed as withdrawn.

4. Heard learned counsel for rest of the petitioner nos.2 to and 4 and learned A.P.P. for the State.

5. Petitioners apprehend their arrest in connection with Simri P.S. Case No.252 of 2023 instituted under Sections 341,



323, 324, 325, 307, 504, 506, 427 and 34 of the I.P.C.

6. As per prosecution case, with regard to performing the *Chhath Puja*, the dispute arose between the informant and the accused persons. It is alleged that 15 accused persons including petitioners came with deadly weapon, surrounded the house of the informant and assaulted the informant and thereafter they took away the jewellery and cash amount of the informant.

7. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to village politics. The F.I.R. has been lodged after three days without any plausible explanation. He further submits that a simple altercation took place between Dinesh Sharma and the informant for previous land dispute for which the petitioners have no concern. There is no specific allegation against the petitioners rather general and omnibus allegations are made against them. The injury sustained by the informant is found to be simple in nature. It is further submitted that similarly situated co-accused persons including Dinesh Sharma have already been granted anticipatory bail by this Court vide order dated 22.05.2024 passed in Cr.Misc.No.31262 of 2024. Petitioners have no criminal antecedents and undertake to cooperate in the



investigation.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

9. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, above named petitioner nos.2 to 4 be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Darbhanga in connection with Simri P.S. Case No.252 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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