

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75492 of 2024

Arising Out of PS. Case No.-374 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Vishal Sahani @ Tamatar Sahani Son of Late Suresh Sahani Resident of
Village-Agarwa, Ward No. 32/38, P.S.- Motihari Town, Distt.- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore, Adv.

For the Opposite Party/s : Mr.Jagdhari Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in connection with

Motihari Town P.S. Case No. 374 of 2024 instituted for the

offences under Sections 341, 323, 307, 504, 379, 506, 34 of

the Indian Penal Code.

3. As per prosecution case, the co-accused persons

including the petitioner have assaulted the informant by

means of iron rod, *lathi*, due to which he sustained injury. It is

alleged that the accused Vishal Sahni (petitioner) snatched

mobile phone of the informant whereas co-accused Sudhir



Sahni snatched gold *Hanumani* from the informant's neck.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Both the parties are co-villagers and they have old enmity between them. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature and the injuries are simple in nature. He further submits that the date of occurrence is 26.06.2024 but, the F.I.R. was lodged on 30.06.2024 without there being any plausible explanation for such delay which creates doubt in the prosecution case. He again submits that earlier the petitioner side had lodged a case against the Informant bearing Motihari Town P.S. Case No. 337 of 2024 on 13.06.2024 and the Informant, to save his skin, has filed the present case implicating the petitioner. The petitioner has no concern with the alleged occurrence and was also not present at the place of occurrence when the occurrence occurred. The petitioner has altogether twelve criminal antecedents as stated in Para-3 of the present bail



petition and is languishing in judicial custody since 11.08.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Kanhaiya Sahani @ Sumit Sahani has been granted bail by this Court vide order dated 23.10.2024 passed in Cr. Misc. No. 76004 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the rival contention of both the parties, period of custody of the petitioner, there being no specific allegation of assault against the petitioner and the fact that there is a case and counter case between the parties, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Motihari Town P.S. Case No. 374 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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