

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76123 of 2023

Arising Out of PS. Case No.-166 Year-2021 Thana- ROSERA District- Samastipur

KAMLESH SAHNI @ KAMLESH KUMAR SAHNI Son of Jagdish Sahni
R/o vill - Rahuaa Milki ward no. 1, P.S.- Rosera, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-03-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Rosera P.S. Case No. 166 of 2021 for the offence registered under sections 447, 341, 323, 324, 307, 354, 504, 506 and 34 of the Indian Penal Code lodged on 01.06.2021 by the informant, Manoj Sahni.

3. As per the prosecution story, as the informant was waiting for the 'baarat' of cousin sister, the accused persons came and assaulted. Though number of accused persons have been named, so far as this petitioner is concerned, allegation is that he caught hold of the informant whereafter Aman Kumar gave 'lathi' blow on his back. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that in a



zeal to implicate each and every family member, role has been assigned even though so far as this petitioner is concerned, the allegation is that he caught hold of the hand.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he has caught hold the hand of the informant.

6. Taking into account the submissions put forward by the parties as also the fact that role of causing injuries have been made to the other accused persons, FIR lodged, he will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner 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-1st, Rosera, Samastipur in connection with Rosera P.S. Case No. 166 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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)

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