

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2836 of 2024

Arising Out of PS. Case No.-217 Year-2023 Thana- BAHADURPUR District- Darbhanga

1. Shankar Sahni Son Of Dhaneshwar Sahni Resident Of Village - Chaprar Ghat Math, Police Station - Bahadurpur (Phekla O.P.), District - Darbhanga
2. Kamlesh Sahni Son Of Shankar Sahni Resident Of Village - Chaprar Ghat Math, Police Station - Bahadurpur (Phekla O.P.), District - Darbhanga
3. Raju Sahni Son Of Arjun Sahni Resident Of Village - Chaprar Ghat Math, Police Station - Bahadurpur (Phekla O.P.), District - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Bahadurpur (Phekla O.P.) P.S. Case No. 217 of 2023, registered on 01.05.2023, for the alleged offence under Sections 341, 323, 354(B), 308, 448, 379, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners along with co-accused Rajesh Sahni armed with *lathi*, *danda* and sword entered into the house of the informant and looted Rs. 3,50,000/-. They also tried to outrage the modesty of the informant. The petitioners and co-accused also caused injury to the neighbour,



who tried to save the informant.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. No offence under Sections 308, 379 and 354(B) of the IPC is made out since these are merely embellishments. The injury on the victim is said to be simple. The petitioner no. 1 has also lodged FIR against the informant's husband and her other family member for taking money forcibly vide Bahadurpur (Phekla O.P.) P.S. Case No. 218 of 2023. The petitioners and the informant came from the same family and the matter has been settled after compromise and a compromise petition has been filed before the learned court below. The petitioners have got no criminal history.

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

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties and further considering the possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction



of learned S.D.J.M., Darbhanga in connection with Bahadurpur (Phekla O.P.) P.S. Case No. 217 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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