

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86591 of 2024

Arising Out of PS. Case No.-265 Year-2024 Thana- NAUTAN District- West Champaran

1. Sharma Sahani S/o- Chhotelal Sahani Village- Dakshin Telua, Police station- Nautan, District- West Champaran
2. Pramukh Sahani @ Pramukh Kumar S/o- Chhotelal Sahani Village- Dakshin Telua, Police station- Nautan District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in Nautan P.S. Case No. 265 of 2024 registered for the offences punishable under Sections 140(1), 3(5) of B.N.S. later on Sections 103(1), 238 of B.N.S. was added.

3. The prosecution case, in brief, is that on 07.07.2024 the son of the informant's brother-in-law, namely, Nitish Kumar @ Rohit Sahani had talked with his phone and called them to attend his marriage on 12.07.2024. Informant's son Nikhil on 09.07.2024 arrived at Telua. It is alleged that the accused persons of the case gave threats and asked to execute



sale deed with respect to his share of land otherwise they would kill him. It is further alleged that son Nikhil was missing since the night of 13.07.2024 and probably he had been killed.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the petitioners are not named in the F.I.R, their complicity has come to light in the confessional statement of co-accused Rita Devi. He further submits that there is no specific overt act against the petitioners. He next submits that only on the basis of confession of co-accused Rita Devi, petitioners have been made accused in the present case. The petitioner no. 1 has one criminal antecedent as petitioner no. 2 has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioners are also involved in the present case.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.



7. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

