

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6230 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- SIDHWALIYA District- Gopalganj

1. Lal Mohar Sahani S/o Late Vishundeyal Sahani RESIDENT OF VILLAGE-SADAUAN, P.S. SIDHWALIYA, DISTRICT- GOPALGANJ
2. Umesh Sahani S/o Lalmohar Sahani RESIDENT OF VILLAGE-SADAUAN, P.S. SIDHWALIYA, DISTRICT- GOPALGANJ
3. Rajesh Sahani S/o Lalmohar Sahani RESIDENT OF VILLAGE-SADAUAN, P.S. SIDHWALIYA, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Advocate
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP
For the Informant	:	Mr. Rajeev Ranjan, Advocate
		Mr. Sumit Kumar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The petitioners are apprehending their arrest in connection with Sidhwalia P.S. Case No. 149 of 2023 for the offence under Sections 341, 323, 324, 325, 447, 504, 506, 307, 302 and 34 of the I.P.C. lodged on 10.05.2023, by the informant, Jaadu Sahani.

3. As per the prosecution story, the allegation is that the accused persons armed variously came and thereafter started abusing. When the informant objected, it is alleged that Kishore Sahani and Dinesh Sahani resorted to violence by hitting both



his mother and wife as also the daughter-in-law. Further, allegation is against the other accused persons of assault. Later, it is alleged that when his son came to rescue, again Kishore Sahani and Dinesh Sahani used sword to hit on his head. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is a case and counter-case and in any case, specific allegation is against Kishore Sahani and Dinesh Sahani of assaulting the informant, his wife, son and daughter-in-law. Against all other accused persons, there is omnibus allegation.

5. Learned counsel for the informant submits that Kishore Sahani earlier moved this Court in Cr. Misc. No. 84544 of 2023 for grant of anticipatory bail. A perusal of the same, it appears that from the order both Sections 302 and 307 of the IPC are missing and in that background, he managed to secure anticipatory bail on 18.01.2024 by a coordinate Bench and thereafter, another assault took place for which they have moved before the concerned Police Station on 18.02.2024.

6. So far as the submission of learned counsel for the informant is concerned, the fact that has been brought against Kishore Sahani that he suppressed the incorporation of Sections 307 and 302 of the IPC, it is for them to take necessary legal



steps in the matter.

7. This Court has perused the FIR as also the submissions put forward by the parties. Admittedly, there is allegation against Kishore Sahani and Dinesh Sahani of assaulting the informant, his wife as also the children and the daughter-in-law. So far as these petitioners are concerned, omnibus allegation have been made against them and they do not have any criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of ACJM, 1st, Gopalganj in connection with Sidhwalia P.S. Case No. 149 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners 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 their



bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

9. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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