

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3520 of 2025

Arising Out of PS. Case No.-346 Year-2024 Thana- SISWAN District- Siwan

1. Rajiv Sahni @ Golu Sahni @ Rajeev Kumar Sahni S/o- Bhagwan Sahni @ Bhagwan Mallah Resident of village- Mubarakpur PS- siswan (Chainpur) Dist- Siwan
2. Prem Sahni @ Shailesh Sahni @ Prem Sahani @ Shailesh S/o- Bhagwan Sahni @ Bhagwan Mallah Resident of village- Mubarakpur PS- siswan (Chainpur) Dist- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Ms. Kumari Anupam, the learned counsel
for the petitioners and Mr. Murli Dhar, the learned Additional
Public Prosecutor for the State.

2. After some arguments, learned counsel for the
petitioners seek permission to withdraw the anticipatory bail
application with respect to petitioner no. 2 namely, Prem Sahni
@ Shailesh Sahni @ Prem Sahani @ Shailesh.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with
respect to petitioner no. 2, namely, Prem Sahni @ Shailesh
Sahni @ Prem Sahani @ Shailesh is dismissed as withdrawn.

Now this bail application survives only for petitioner no. 1,



namely, Rajiv Sahni @ Golu Sahni @ Rajeev Kumar Sahni.

5. The petitioner is apprehending his arrest in connection with Siswan PS Case No. 346 of 2024, FIR dated 25.10.2024, registered for the offences punishable under Sections 126(2), 115(2), 118, 117(2), 109, 352, 351(2) and 3(5) of the B.N.S.

6. According to the prosecution case, the co-accused persons, variously armed, assaulted the informant and his family members.

7. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and there is case and counter case between the parties. He further submits that the main allegation of assault is attributed against the co-accused person namely, Prem Sahni and there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner that they have assaulted the family members of the informant.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.



9. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, there is case and counter case between the parties and there is no specific allegation of any assault or overt act attributed against the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Siwan, where the case is pending in connection with **Siswan PS Case No. 346 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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