

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8196 of 2025**

Arising Out of PS. Case No.-84 Year-2020 Thana- BISHANPUR District- Darbhanga

1. Pappu Sahni @ Dilip Sahni Son of Mahendra Sahni Resident Of Village- Maheshpatti, P.S.-Bishanpur, District- Darbhanga
2. Guddan Sahni @ Ashok Sahni Son of Mahendra Sahni Resident Of Village- Maheshpatti, P.S.-Bishanpur, District- Darbhanga
3. Manoj Sahni Son of Mahendra Sahni Resident Of Village- Maheshpatti, P.S.-Bishanpur, District- Darbhanga
4. Chhotu Sahni @ Menas Sahni @ Manish Sahni Son of Mahendra Sahni Resident Of Village- Maheshpatti, P.S.-Bishanpur, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Baidhyanath Thakur, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

2      22-03-2025                      Heard learned Counsel for the petitioners and  
  
learned Additional Public Prosecutor for the State.

2. The present application for grant of pre-arrest bail has been filed in connection with Bishanpur P.S. Case No. 84 of 2020, registered for offences under Sections 341, 448, 323, 325, 307, 379 and 506/34 of the I.P.C.

3. As per the F.I.R, the allegations against the petitioners are that thirteen named and five or six unknown accused persons with weapons entered into the house of the informant. The petitioner no. 3 is said to have assaulted the

informant with spade resulting in fourteen stitches; petitioner no. 4 caused injury on the head of Laxmi Devi with a sharp iron *paghariya*; petitioner no. 2 caused injury to one Sunaina Devi with a *farsa* and petitioner no. 1 caused injury to one Sanjuri Kumari with a *khanti*.

4. It has been submitted by the learned counsel for the petitioner that the petitioners are innocent and have falsely been implicated in this case on account of some land dispute between the two parties and that there is a Title Suit bearing no 59 of 2023, is pending between the parties, though the same was filed after the present incident and it was due to this dispute with regard to the said land, the alleged occurrence had taken place. There is case and counter-case between the parties.

5. The learned counsel for the petitioner has also stated that despite the allegations in the F.I.R, no injury report was ever produced before the police and there is nothing with regard to any medical report of the victims which has come on record during the investigation. Lastly, it has also been submitted that entire allegations are false and no such incident had occurred as alleged.

6. Learned APP for the State vehemently opposes the prayer for bail.

7. It has been taken note by this Court that petitioners, despite their anticipatory bail applications being rejected by the learned court below way back on 11.01.2022, did not prefer an application for anticipatory bail before this Hon'ble Court immediately rather the same was filed on 09.01.2025, i.e. almost after three years.

8. Learned counsel for the petitioner during the course of hearing has brought to the notice of the Court that due to inadvertent mistake in paragraph no. 13 of the main petition, it is mentioned that petitioner no. 4 is an MBBS; in fact, it is made clear by way of a supplementary affidavit that he is a physiotherapist and Annexure-P/4 has been brought on record to substantiate such claim. The supplementary affidavit is taken on record.

9. Taking into consideration the fact into account that there is no injury report on the record ever produced and also the fact that there is case and counter-case between the parties, this Court is inclined to grant bail to the petitioners. However, looking at complete disregard to the process of law with regard to delay in approaching before the court of law, some stringent conditions need to be

imposed for them to be released on bail which are as follows:

(i) One of the bailors shall be own family member or close member of the family of the petitioner.

(ii) The petitioners shall cooperate in the investigation and shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(iii) The petitioners, if found to be indulged in subsequent incident of similar nature, the prosecution shall be at liberty to approach the Court below for cancellation of bail.

(iv) If the petitioners are found to be tampering with the evidence or are found to influence the witnesses in any manner, the prosecution shall be at a liberty to move for cancellation of bail.

10. Let the petitioners, above named, in the event of their arrest or surrender before the Court below be enlarged on bail on the aforesaid conditions by furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 9<sup>th</sup> A.C.J.M., Darbhanga in connection with

Bishanpur P.S. Case No. 84 of 2020.

11. However, as far as petitioner no. 4 is concerned it has been stated that he works outside the State of Bihar and so the condition of his appearance on each and every date may be dispensed with. This Court directs for relaxation only in condition no. (ii) as stated in paragraph no. 9 hereinabove, but such relaxation cannot be at the cost of delay in commencement of trial, dates of framing of charge and all such dates when the trial court shall direct for the presence of petitioner no. 4 alongwith others.

12. Accordingly, the bail application stands allowed.

**(Sourendra Pandey, J)**

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