

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7200 of 2025

Arising Out of PS. Case No.-217 Year-2024 Thana- BASANHI District- Saharsa

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Ajay Sahni @ Ajay Kumar S/O Late Raj Kishore Sahni R/O Village- Balaitha
Ward No. 1, P.S- Basnahi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Singh, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Basnahi P.S. Case No. 217 of 2024 registered for the alleged offences under Sections 126(2), 118(1), 118(2), 109(1), 329(3) of B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, when the husband of the informant went to attend the cremation of mother of a deceased co-villager, this petitioner assaulted the husband of the informant by bursting gun powder in an iron pipe causing serious injury to the husband of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that from the FIR it is



evident that no offence under Section 109 B.N.S. is made out as the occurrence took place where about 50 persons were present and the whole occurrence seems to be an accident caused by the petitioner while bursting cracker. Moreover, the injury was caused in the thigh of the husband of the informant which is not a vital part. Learned counsel further submits that in fact the occurrence took place on 01.11.2024 just a day after Diwali and the husband of the informant received accidental injury from bursting of cracker. The injury report shows the injury is simple. There has been no attempt on the life of the husband of the informant. Other offences are bailable in nature as no offence under Section 27 of the Arms Act is made out. The petitioner is having one antecedent in which he is on bail. Learned counsel further submits that the petitioner is in custody since 02.11.2024 and charges sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of injury and also considering the probability of the injury being accidental and further considering the period of custody and submission of charge sheet, the petitioner above



named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saharsa/concerned Court in connection with Basnahi P.S. Case No. 217 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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