

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17824 of 2025

Arising Out of PS. Case No.-149 Year-2024 Thana- Raghunathpur District- East Champaran

1. Lalbabu Sahani Son of Late Lakhraj Sahani Resident of Village - Raghunathpur, P.S. - Raghunathpur, District - East Champaran
2. Munna Sahani Son of Lalbabu Sahani Resident of Village - Raghunathpur, P.S. - Raghunathpur, District - East Champaran
3. Puja Devi Wife of Munna Sahani Resident of Village - Raghunathpur, P.S. - Raghunathpur, District - East Champaran
4. Pratima Devi Daughter of Lalbabu Sahani Resident of Village - Raghunathpur, P.S. - Raghunathpur, District - East Champaran
5. Biru Sahani Son of Naga Sahani Resident of Village - Raghunathpur, P.S. - Raghunathpur, District - East Champaran
6. Anil Sahani Son of Naga Sahani Resident of Village - Raghunathpur, P.S. - Raghunathpur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-06-2025 Heard Mr. Prateek Tandon, learned counsel for the petitioners and Mr. Md. Anzarul Haque Sahara, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Raghunathpur P.S. Case No. 149 of 2024, F.I.R. dated 13.11.2024 for the offences punishable under Sections 126(2), 127(2), 132, 109, 121(1), 121(2), 191(2), 191(3), 190, 74, 125, 262 of Indian Penal Code.



3. According to prosecution case, the informant alleged that when she along with other police officials went to arrest Vikash Sahani who is accused in Town P.S. Case No.838 of 2019 at his house, in the meantime, the petitioners attacked on the police party due to which they sustained injury and accused Vikash Sahani managed to flee away.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. As per the allegation in the FIR the petitioners along with other accused persons have assaulted the informant and the police officials when they had gone to arrest the accused of Town P.S. Case No.838 of 2019. He further submits that although the petitioners are named in the FIR but there is no specific allegation of assault or overt act against them rather the allegation levelled against them is general and omnibus. Although some of the police personnel received injury but the injury report of Sweta Kumari suggest that injury is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, the petitioners have clean antecedent and there is no specific



allegation of assault or overt act against them and injury sustained by the injured person suggest that injury is simple in nature, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran, Motihari in connection with Raghunathpur P.S. Case No. 149 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

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

ii. If the petitioners 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 court below shall verify the criminal antecedent of the petitioners and in case at



any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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