

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15920 of 2025

Arising Out of PS. Case No.-57 Year-2024 Thana- MAHINDWARA District- Sitamarhi

1. Vikash Sahani @ Vikash Kumar S/o Awadhesh Sahni @ Awadhesh Kumar Sahni R/o village- Balua, P.S-Mahindwara, District- Sitamarhi
2. Mithu Sahani @ Mithu Kumar @ Mitthu Kumar S/o Awadhesh Sahni @ Awadhesh Kumar Sahni R/o village- Balua, P.S-Mahindwara, District- Sitamarhi
3. Mukesh Sahani @ Mukesh Kumar S/o Awadhesh Sahni @ Awadhesh Kumar Sahni R/o village- Balua, P.S-Mahindwara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Prasad Singh, Adv.
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP
For the Informant	:	Mr. Ayush Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-05-2025 Heard the learned Advocate for the petitioners, learned Advocate for the informant and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Mahindwara P.S. Case No. 57 of 2024, registered for the offences punishable under Sections 302/24 of the Indian Penal Code.

3. Allegedly, in the fateful night of 12.05.2024 on hearing the screaming sound of the son, the informant ran towards the room of his son and it was found that accused Guddu Kumar is fleeing from the room of his son armed with



sharp cutting *dabia*. When the informant shouted and made *halla*, all the family members ran towards the room of his deceased son. They also found that all the three petitioners were also armed with sharp cutting weapon fled away from the place of occurrence. Two unidentified persons were also present with the accused persons.

4. Learned Advocate for the petitioners contended that the petitioners and co-accused Guddu Kumar, all are sons of Awdesh Shahni and their names have been implicated only on account of the fact that before the occurrence, all the accused persons threatened the son of the informant with dire consequences. From the narrations made in the FIR, it appears that initially the informant has identified only co-accused Guddu Kumar, who was fleeing from the room of the deceased son, having a *dabia* in his hand. But later on in order to implicate the name of all the sons of Awdesh Shahni, the name of the petitioners have also been implicated. It is next contended that so far the petitioner no. 2 is concerned, apart from he happens to be student, has been residing in Muzaffarpur on the date of occurrence of the alleged crime, which fact can also be fortified from his mobile location and the statement of landlord, in whose house Mithu Sahani is residing.



5. On the other hand, learned counsel for the State and the informant opposed the pre-arrest bail application and submits that a 20 years young son of the informant was done to death by the petitioners along with co-accused persons by means of sharp cutting weapons. The post-mortem report also corroborate the prosecution case that the deceased was done to death and three sharp injuries have been found over the body of the deceased. There are eyewitness to the alleged occurrence to the extent that the petitioners were fleeing away from the place of occurrence and, as such, their complicity cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the accusation and materials available on record, this Court is not acceded to the prayer of the petitioner no. 1 (Vikash Sahani) and petitioner no. 3 (Mukesh Sahani) for grant of anticipatory bail.

7. Accordingly, the prayer for anticipatory bail for petitioner no. 1 (*Vikash Sahani*) and petitioner no. 3 (*Mukesh Sahani*) stands rejected.

8. So far the petitioner no. 2 (Mithu Sahani) is concerned, who is said to be a student and his mobile location was found at Muzaffarpur on the date of occurrence and in support of the aforesaid fact, the landlord of the house, where



petitioner no. 2 was residing also stated before the police, let the petitioner no. 2 (*Mithu Sahani*) above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Sitamarhi in connection with Mahindwara P.S. Case No. 57 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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