

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19466 of 2025**

Arising Out of PS. Case No.-172 Year-2024 Thana- BOCHAHAN District- Muzaffarpur

1. Ashok Sahani S/o- Rajgir Sahani Resident of Village- Gacchi Tola, Ramdash Majahauli, P/S- Bochahan, District- Muzaffarpur.
2. Rajgir Sahani S/o- Ramashish Sahani Resident of Village- Gacchi Tola, Ramdash Majahauli, P/S- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.  
For the Opposite Party/s : Mr.Ramesh Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      16-04-2025                      Heard Learned Counsel for the petitioners and  
Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehend their arrest in connection with Bochahan P.S. Case No.172 of 2024 lodged on 25.07.2024, for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109, 132, 352 and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against



13 named and 5-6 unknown accused persons with allegation that the police reached upon receiving information about torture of the wife and daughter in law of petitioner No.1 at the hand of petitioner No.1 and petitioner No.2 respectively. It also transpires that when the police reached on the spot and started query from the wife of petitioner No.1 then, in the meantime, accused persons along with other persons attacked on the police party, due to which injury persons were referred to hospital and rest police party fled away from the place and SHO has also reached and tried to caught the persons, but they also fled away.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that there is no allegation against petitioners that they have assaulted to any police party. The FIR itself is wrong, due to the reason that there is no statement of wife of petitioner No.1 available on record.

5. Counsel submits that the criminal antecedent of the petitioners are clean and ready to fulfill all the conditions whatsoever shall be imposed upon them. He further submits that under conspiracy, petitioners' and other persons' name have been inserted in this case.

6. Counsel further submits that other accused persons



have been granted bail by the Co-ordinate Bench of this Court vide order dated 11.12.2024 passed in Cr. Misc. No.84431 of 2024 and vide order dated 07.02.2025 passed in Cr. Misc. No.7875 of 2025.

7. Learned APP for the State opposes the prayer for bail of the petitioners and submits that from the FIR, it has come that wife of petitioner No.1, who is under center point for this occurrence, has not disclosed anything against the petitioners.

8. As such, in the present facts and circumstances of this case, let the above named petitioner No.2, namely, Rajgir Sahani be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of A.C.J.M.-9th, (East) Muzaffarpur, in connection with Bochahan P.S. Case No.172 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

9. So far as the petitioner No.1, namely, Ashok Sahani, is concerned, this Court is not inclined to grant anticipatory bail to the petitioner No.1, therefore the bail application of the petitioner No.1 is hereby rejected.



10. However, trial court is directed to consider the regular bail application of the petitioner No.1, namely, Ashok Sahani, if he surrenders within 4 weeks from today and prays for regular bail, then trial court shall pass order on merit, after being verified from the petitioner's wife about the said occurrence and shall take decision without being prejudice of the present order preferably on the same day.

**(Dr. Anshuman, J.)**

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