

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22016 of 2025

Arising Out of PS. Case No.-538 Year-2024 Thana- HARSIDHI District- East Champaran

1. Baidhnath Sahani Son of Late Hari Nandan Sahani @ Harinan Sahani Resident of Village - Dhawhi, P.S. - Harsidhi, District - East Champaran
2. Suresh Sahani Son of Late Hari Nandan Sahani @ Harinan Sahani Resident of Village - Dhawhi, P.S. - Harsidhi, District - East Champaran
3. Gajendra Sahani @ Gajendra Kumar Son of Baidhnath Sahani Resident of Village - Dhawhi, P.S. - Harsidhi, District - East Champaran
4. Subhash Sahani @ Subhash Kumar Son of Suresh Sahani Resident of Village - Dhawhi, P.S. - Harsidhi, District - East Champaran
5. Bikash Kumar Son of Suresh Sahani Resident of Village - Dhawhi, P.S. - Harsidhi, District - East Champaran
6. Nitesh Kumar Son of Suresh Sahani Resident of Village - Dhawhi, P.S. - Harsidhi, District - East Champaran
7. Arun Kumar @ Ladu Sahani Son of Tulshi Sahani Resident of Village - Dhawhi, P.S. - Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-05-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. Learned counsel for the petitioners submits that during the pendency of this bail application the petitioner no.2 has been apprehended, therefore, he will not press this application with regard to petitioner no. 2. As such, this application becomes infructuous with regard to petitioner no.2.

3. The petitioners are apprehending arrest in connection with Harsidhi P.S. Case No. 538 of 2024, lodged on



15.10.2024, for the offence punishable under Sections 191(2), 126, 115(2), 118, 109, 76, 303(2), 351, 352 of the Bharatiya Nyaya Sanhita, 2023.

4. As per the prosecution, FIR has been lodged against nine named accused persons including the present petitioners alleging that all the accused persons came and opposed the film of Maa Durga and when the informant's father raised objection, they assaulted him. Allegation against co-accused Om Prakash Sahani is that he assaulted on the head of informant's father by means of *farsa*.

5. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that it has been specifically alleged that for the same date and place of occurrence there are case and counter case from both sides. Informant's side filed the present case whereas the petitioners' side have filed Harsidhi P.S. Case No.542 of 2024 against the present informant and others. Counsel further submits that the petitioners and the informant both are residents of the same village and under spur of moment such unfortunate event took place. Counsel further submits that the criminal antecedent of the petitioners is clean. Counsel further submits that petitioners are ready to fulfil all the



conditions whatsoever shall be imposed upon them.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the dispute has occurred at the time of Durga Puja. The cause of dispute is very simple that one party want to see Bhojpuri Film and other opposed the same, due to which scuffling took place. Counsel further submits that allegation against co-accused Om Prakash Sahani is that he assaulted on the head of informant's father by means of *farsa*. Allegation against Gajendra Kumar is that he snatched Mangal Sutra from the neck of informant's mother and Subhash Sahani @ Subhash Kumar is said to have outraged the modesty of the informant's mother. Other specific allegation against Vikash Kumar and Baidnath Sahani is that they broke the right hand of informant's cousin.

7. Learned Counsel for the informant opposes the prayer for bail of the petitioners and submits that there are seven petitioners out of which petitioner no.2 has already been arrested, therefore, the present bail application becomes infructuous with regard to him. Counsel further submits that there is specific allegation against petitioners no. 1 and 4.

8. As such, in the present facts and circumstances of this case that petitioner no.2 has already been arrested as



intimated by learned counsel for the petitioners, this bail application becomes infructuous with regard to petitioner no. 2 and in the light of general and omnibus allegation against petitioner nos. 3, 4, 6 and 7, let the above named petitioner nos.3, 4, 6 and 7 be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of Learned Judicial Magistrate, 1st Class, East Champaran, Motihari, in connection with Harsidhi P.S. Case No. 538 of 2024, subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner nos.1 and 4. Accordingly, the prayer for anticipatory bail of the petitioner nos.1 and 4 is hereby rejected.

10. Accordingly, this application stands disposed of.

(Dr. Anshuman, J)

anand/-

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