

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21516 of 2025

Arising Out of PS. Case No.-1138 Year-2022 Thana- KHAGARIA District- Khagaria

1. Pankaj Sahni Son of Niklesh Sahni Resident of village- Olapur Gangaur, Ward no. 3, Tirasi PS- Gangaur District -Khagaria
2. Kailu Sahni @ Kailash Kumar son of Niklesh Sahni Resident of village- Olapur Gangaur, Ward no. 3, Tirasi PS- Gangaur District -Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-04-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Khagaria (Gangaur) P.S. Case No. 1138 of 2022 lodged on 31.10.2022, for the offence punishable under Sections 341, 323, 325, 308, 379, 504, 506 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against three named accused persons (including the present petitioners) and 4-5 unknown persons against whom there is an allegation that they have assaulted the informant by *lathi*, *danda* and iron rod due to which he sustained injury.

4. Learned Counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. Counsel submits that from the impugned order, it transpires that no injury report has been received by the Trial Court and in the absence of injury report of the informant, the allegation of assault has not corroborated against the petitioners. Counsel submits that one of the co-accused person has been granted anticipatory bail by the Co-ordinate Bench of this Court *vide* order dated 24.06.2023 passed in Cr. Misc. No.23417 of 2023. Counsel submits that due to local village politics, petitioners' name has been figured in this case. Counsel further submits that the petitioners have no criminal antecedent. Counsel submits that the present FIR has been lodged in the year 2022 and father of the petitioners has been granted bail in the year 2023, but bail application of the petitioners has not been filed and it is due to this reason, petitioners could not come forward on early occasion.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the present FIR has been lodged in the year 2022 and after lapse of 3 years, petitioners moved before this Hon'ble Court for anticipatory bail.

6. As such, considering the aforesaid facts and circumstances, let the above named petitioners be released on



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 with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Gangaur) P.S. Case No. 1138 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

7. It is made clear that in case, Trial Court found that the process of section 82 has been issued against the petitioners, then the petitioners shall not be released on bail and they shall surrender before the Trial Court and then request for regular bail.

8. Hence, this bail application is hereby disposed off.

(Dr. Anshuman, J)

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