

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19437 of 2025

Arising Out of PS. Case No.-405 Year-2022 Thana- SUGAULI District- East Champaran

1. Belas Sahni Son of Jhakhari Sahni Resident of Village - Shripur Dharampur, P.S. - Sugauli, District - East Champaran
2. Suresh Sahni Son of Belas Sahni Resident of Village - Shripur Dharampur, P.S. - Sugauli, District - East Champaran
3. Malti Devi Wife of Suresh Sahni Resident of Village - Shripur Dharampur, P.S. - Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, A.P.P

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 petitioners are apprehending arrest in connection with Sugauli P.S. Case No. 405 of 2022 lodged on 09.09.2022, for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302 & 120(B) of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against 25 named accused persons including the present petitioners against whom there is an allegation that all accused persons in connivance with each other reached at the house of the



informant and assaulted the informant's husband with lathi, *garasi*, *farsa*, sword, *dab* and *khanti*. When the informant's husband became seriously injured and started trembling, accused persons namely, Krishna Sahani, Raju, Raj Kishor, Amit, Dimpu and Chotan again started assaulting him and subsequently, the informant's husband died on the spot.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that the petitioners are named in the FIR, but there is no specific allegation against them and they are alleged to be the member of mob only. Counsel submits that there is no act or overt act against the present petitioners. Counsel submits that the informant and petitioners are resident of same village and they are well known to each other as both the parties are agnates and land dispute is going on between them. Counsel submits that other co-accused persons have been granted anticipatory bail by the Co-ordinate Bench of this Court *vide* orders dated 03.08.2023 & 15.05.2024 passed in Cr. Misc. Nos.39268 of 2023 & 20134 of 2024 respectively. Counsel further submits that the criminal antecedent of the petitioners is not clean as there are two cases pending against them and in both the cases, they are on bail.



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 presently, 2025 is going on and according to him, there is definitely process of section 82 and 83 be issued against the petitioners.

6. In response thereof, Counsel for the petitioners specifically submits that as per his knowledge provided by the *pairvikar*, no process of section 82 and 83 has been issued against the petitioners.

7. 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, East Champaran at Motihari, in connection with Sugauli P.S. Case No. 405 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

8. It is made clear that the Trial Court prior to accepting the bail bond of the petitioners shall verify that process under section 82 and 83 has been issued against the petitioners or not. If, the said process has been issued against the



petitioners, then in that case, petitioners shall not be released on
bail.

(Dr. Anshuman, J)

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