

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25400 of 2025**

Arising Out of PS. Case No.-264 Year-2023 Thana- KAMTAUL District- Darbhanga

Mangal Sahni @ Mangal Sahani S/O Late Kishori Sahni R/O Vill.- Rajaun
Asali Ward no. 11, P.S.- Kamtaul, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 30-04-2025 Heard Mr. Sanjeev Kumar Jha, learned counsel for
the petitioner and Mr. Anuj Kumar Shrivastava, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kamtaul P.S. Case No. 264 of 2023, F.I.R. dated 06.12.2023 for the offences punishable under Sections 341, 323, 324, 307, 379, 379, 448, 427, 504, 506/34 of the Indian Penal Code.

3. As per the First Information Report, the principal of Upgraded Middle School, Rajaun gave contract to the petitioner for demolition of school wall with direction to leave the portion of wall from the crops side of informant but the petitioner demolished the wall of the informant and subsequently Brinjal plants and some other plants were damaged. When the



informant raised objection, the petitioner along with six accused persons entered in his hardware and kirana shop and assaulted him with *lathi*, *danda*, iron *khanti*, brick stones. When his daughters came to rescue, they also misbehaved with them and snatched golden chain, and one smart phone and looted Rs. 32,500/- from his shop. The accused persons also entered the shop of his brother and assaulted his brother and when his sister-in-law came to rescue they snatched golden chain and Rs. 27,000/- from his shop.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Although the petitioners are named in the FIR but there is no specific allegation of assault against the petitioner rather there is specific allegation of assault against co-accused, namely, Manoj Sahni, Vijay Sahni and Mahendra Sahni and due to previous land dispute between the parties one Title Suit No. 81 of 2015 is pending for consideration before the learned Civil Court of Darbhanga and apart from that injury sustained by the injured persons is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and the petitioner has clean antecedent and there is land dispute between the parties, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Darbhanga in connection with Kamtaul P.S. Case No. 264 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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