

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31330 of 2025

Arising Out of PS. Case No.-128 Year-2024 Thana- LAKHAURA District- East Champaran

1. Shiv Shankar Sahani Son of Late Jagandhari Sahani @ Late Janakdhari Shani @ Late Jangdhari Sahani village- Lakhaura Braham tola, Ps- Lakhaura, Dist- East Champaran
2. Rajan Sahani @ Rajan Kumar son of Rambabu Sahni village- Lakhaura Braham tola, Ps- Lakhaura, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-07-2025 Heard Mr. Sunil Kumar No. III, learned counsel for the petitioners and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Lakhaura P.S. Case No 128 of 2024, F.I.R. dated 04.10.2024 for the offences punishable under Sections 126(2), 115(2), 303(2), 117(2), 109(1), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant alleged that on 01.10.2024 at about 08:00 P.M., his wife was sitting at his medicine shop. At that time, the accused persons armed with weapons, formed an unlawful assembly and entered



the shop. They started looting the shop and when she objected, Shiv Shankar Sahni (petitioner no. 1) attacked her with an iron rod on her head, seriously injured her. Rajan Sahni (petitioner no. 2) also struck her head with an iron rod. When the informant's son tried to intervene, wife of petitioner no. 1 hit him with a lathi on his head. Mukesh Sahni looted Rs. 90,000/- from the cash box, Punam Devi snatched earrings worth Rs. 60,000/-, wife of petitioner no. 1 snatched a gold *mangalsutra* and Rampati Devi snatched a gold nose-pin.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and due to some petty dispute, the present occurrence had taken place. Although the petitioner is named in the F.I.R. and there is specific allegation against petitioner nos. 1 and 2 in the F.I.R. that they have assaulted the wife of the informant. Although, she has received injury but the injury report of the wife of the informant namely, Seema Devi suggests that the injury is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners



have clean antecedents and injury inflicted upon wife of the informant is simple in nature, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Lakhaura P.S. Case No. 128 of 2024, 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. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at



any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds 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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