

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31950 of 2025

Arising Out of PS. Case No.-396 Year-2024 Thana- NAUTAN District- West Champaran

1. Ramsri Sahani S/o- Late Ram Chhatri Sahni @ Late Ram Kshatri SAhni Village- Jainagar Malahi Tola Ps- Nautan Dist- West Champaran
2. Rinku Sahni @ Triloki Sahni S/o- Rama Sahni Village- Pandey Tola Ps- Nautan Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Nautan P.S. Case No. 396 of 2024 registered for the offences under Sections 126(2), 115(2), 118, 109, 76, 303(2), 352 and 3(5) of the B.N.S.

3. As per prosecution case, petitioners and other co-accused persons, who were armed with *lathi*, *danda* and rod, assaulted the informant and his family members when they intervened in a dispute between the petitioners and one Phulkali Devi. A number of persons from the informant side received injuries in this assault.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. Both sides are agnate and there is dispute regarding landed property between the parties. Learned counsel further submits that there is allegation that petitioner no.1 brutally assaulted Vijay Kumar and Umesh Kumar with iron rod but their injuries have been found to be simple in nature. Similarly, petitioner no.1 is said to have assaulted Rakesh Kumar and Ajay Sahni with *lathi* but their injuries are also simple in nature. The injury reports of other victims also show simple injuries. There is counter version and wife of petitioner no.1 Rinki Kumari filed Nautan P.S. Case No. 404 of 2024 for the same occurrence in which the informant of the present case as well as 8 other persons have been made accused. Learned counsel further submits that utmost it could be taken as a case of group fight in which both sides received injuries. Therefore, no offence under Section 109 of B.N.S. is made out against the petitioners as there was no intention to cause any death. Allegation of theft is ornamental. The petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



case and counter case between the parties and further considering the simple injuries of the victims and also considering the clean antecedent of petitioners coupled with possibility of false implication, let the petitioners, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bettiah, West Champaran/concerned court in connection with Nautan P.S. Case No. 396 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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