

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36712 of 2025

Arising Out of PS. Case No.-182 Year-2024 Thana- KHANPURA District- Samastipur

1. Nitish Kumar @ Nitish Kumar Sahani S/o Kailash Sahani Resident of village- Salempatti, PS- Khanpur, District- Samastipur
2. Niranjana Kumar @ Niranjana Kumar Sahani @ Chhotu Sahani S/o Kailash Sahani Resident of village- Salempatti, PS- Khanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Akshansh Shanker, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-07-2025 Heard Ms. Akshansh Shanker, learned counsel for the petitioners and Mr. Rana Randhir Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Khanpur P.S. Case No. 182 of 2024, F.I.R. dated 20.08.2024 for the offences punishable under Sections 115(2), 117(2), 118(2), 126(2), 109(1), 3(5) of Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that when his brother, namely, Sanjay Sahani went to a shop in order to buy some good, in the meantime, the petitioners arrived and dragged his brother and assaulted him by means of iron rod.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. From bare perusal of the FIR it appears that due to some petty dispute the present occurrence has taken place. Although there is specific allegation against the petitioners that they assaulted the brother of the informant and he received injury but his injury report suggest that the injury inflicted upon him is simple in nature caused by hard and blunt substance and apart from that the date of occurrence is 11.08.2024 but the FIR was instituted on 20.08.2024 i.e. after delay of 9 days without giving any explanation of delay.

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

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and the injury inflicted upon the injured person is simple in nature, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Samastipur in connection with Khanpur P.S. Case No. 182 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 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 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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