

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35414 of 2025

Arising Out of PS. Case No.-1222 Year-2023 Thana- TURKAULIYA District- East
Champaran

Santosh Sahani S/o Chandrika Sahani RO Village - Pipariya, PS- Turkauliya,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 27-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Turkauliya P.S. Case No. 1222 of 2023 registered under
Sections 307, 147, 148, 149, 341, 323, 324, 379, 504 and 506 of
the Indian Penal Code to which Section 302 of the IPC was
added subsequently.

3. The prosecution case is to the effect that the
informant alleged that 15-20 persons armed with Sword, Iron
Rod etc., intercepted him and thereafter Surendra Sahni is stated
to have given repeated blows from a Farsa on the head of the
informant and subsequently it was alleged that Santosh Sahani
(petitioner), Manish and Ankit surrounded one Dadan Kumar



Choudhary and it is alleged that Santosh (petitioner) and Manish assaulted him with Farsa causing severe injuries on his head and thereafter Ankit is said to have assaulted him with Iron Rod on his chest. It has further been alleged that the named accused persons on hulla being raised, fled away.

4. The learned counsel for the petitioner has submitted that there is general and omnibus allegation against the petitioner to have assaulted one Dadan Kumar Choudhary by Farsa. The learned counsel draws the attention of this Court towards the injury report which has been brought on record by way of Annexure P3 wherein from perusal of the injury report, it would be evident that there was no injury which would support the allegation of assault by means of Farsa. The learned counsel has stated that in the injury report as well as in the postmortem report the assault has been stated to be by a hard and blunt substance which does not corroborate the statement made in the FIR. It has further been stated that no incriminating article has been recovered from the possession of the petitioner and one co-accused namely Ankit Kumar has been enlarged on bail by a coordinate Bench of this Court vide order dated 25.04.2025 passed in Cr. Misc No. 26272 of 2025. It has lastly been submitted that the petitioner carries clean antecedent and



is in custody since 28.10.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that there is an allegation upon the petitioner to have assaulted Dadan Kumar Chaudhary who subsequently succumbed to the injury sustained. It has also been submitted by the learned APP for the State that there was head injury found on the said victim namely Dadan Kumar Choudhary as would appear from the injury report as well as from the postmortem report.

6. Considering the aforesaid submissions made by the learned counsel for the parties and taking into account that the allegation of assault by means of Farsa leveled against the petitioner is not supported by the injury report as contained in Anenxure P3 and also taking into account that a similarly situated co-accused namely Ankit Kumar has been enlarged on bail by a coordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 1222 of 2023 subject to the conditions:

(i) One of the bailors will be a close relative of the petitioner.



- (ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.
- (iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.
- (iv) 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 petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(Sourendra Pandey, J)

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