

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37934 of 2025

Arising Out of PS. Case No.-538 Year-2024 Thana- HARSIDHI District- East Champaran

1. Om Prakash Sahani, aged about 25 years, Male, S/o Suresh Sahani, R/o Village- Dhawhi, P.S.- Harsidhi, District- East Champaran
2. Suresh Sahani, aged about 54 years, Male, S/o Late Hari Nandan Sahani @ Harinan Sahani, R/o Village- Dhawhi, P.S.- Harsidhi, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party	:	Mr. Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-08-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Harsidhi P.S. Case No. 538 of 2024 dated 15.10.2024 registered for the offences punishable under Sections 191(2), 126, 115(2), 118, 109, 76, 303(2), 351 and 352 of the B.N.S., 2023

3. As per the prosecution case, on 12.10.2024 at about 10.00 P.M., a film of '*Maa Durga*' was going on during *Navratri Festivals*, in the meantime, the accused persons including the petitioners holding weapons in their hands came there and opposed the film of '*Maa Durga*' and when the informant's father raised objection, Om Prakash Sahani



(petitioner no. 1) at the behest of Suresh Sahani (petitioner no. 2) assaulted the informant's father on his head by farsa, as a result of which, he sustained injury on his head and blood started oozing from his head. It is further alleged that when the informant came to rescue his father, accused persons also brutally assaulted him by lathi and iron rod and when his mother came to rescue the informant, all accused persons assaulted her and the co-accused Gajendra Kumar snatched *Mangalsutra* worth Rs. 50,000/- from her neck and the co-accused Subash Kumar tore her clothes and the co-accused Vikash Kumar snatched the gold chain worth Rs. 75,000/- from her neck. When the cousin brother of the informant and his aunt came to save him, the accused persons also assaulted them. Thereafter, the informant and other injured were brought to P.H.C. for treatment and from where they were referred to Sadar Hospital, Motihari and subsequently to I.G.I.M.S., Patna for better treatment.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the alleged occurrence took place on 12.10.2024 and the F.I.R. has been lodged on 15.10.2024 and there is delay of three days in lodging the F.I.R., and no explanation for such delay has been given by



the prosecution. Nothing has been recovered from the possession of the petitioners. There is a case and a counter case between the parties. It is further submitted that from the perusal of the F.I.R., it appears that Suresh Sahani (petitioner no. 2) is only the order giver. Hence, there is no specific allegation of assault on the injured against the petitioner no. 2. The doctor has examined Urmila Devi the mother of the informant, Naveen Kumar the cousin brother of the informant and the informant Prithivi Raj and has found simple injury and the doctor has also examined Dhruv Singh, the father of the informant and has found (i) lacerated wound on right side of scalp 11”X11”X6” skin deep, (ii) lacerated wound on middle occipital region of scalp 3”X1/8” skin deep, (iii) pain and swelling on right side forearm 2”X2” and (iv) patent complain pain whole body, caused by hard and blunt object. The charge sheet has already been submitted in the present case. It is submitted that the other co-accused persons have already been granted anticipatory bail by another Co-ordinate Bench of this Court in Cr. Misc. No. 22016 vide order dated 02.05.2025, annexed as Annexure-1 to the present bail application. The petitioners have one criminal antecedent in which they are on bail as stated in paragraph no. 3 of the bail petition. The petitioners are in custody in this case



since 22.03.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 538 of 2024 with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

