

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48845 of 2025

Arising Out of PS. Case No.-213 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

-
1. Shivbalak Sahani @ Shiv Balak Sahani S/O Chhathu Sahani R/O Village-
Tikuliya, P.S- Muffasil, Distt.- East Champaran.
 2. Sikandar Mukhiya S/O Horil Mukhiya R/O Village- Tikuliya, P.S- Muffasil,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 15-10-2025 Heard learned counsel for the petitionera and

learned APP for the State.

2. The petitioners are in custody in connection with

Muffasil (Lakhaura) P.S Case No. 213 of 2023 registered for the

offences punishable under Sections 279, 304(A), 337, 338, 427

of the Indian Penal Code.

3. As per allegation in the FIR, petitioner along with

the other co-accused persons has assaulted the son of the

informant due to which he died.

4. Learned counsel for the petitioners submit that

petitioner have falsely been implicated in this case. He next

submits that FIR has been lodged with the delay of two days as



the date of occurrence 13.03.2023 and date of filing the FIR is on 15.03.2023. He further submits that Uday Sahani who got injured in the bike accident had personal enmity with the petitioners so in order to blackmail them and extort money, narrated false and fabricated story. He further submits that informant is not the eye witness at the place of occurrence as he also got the information from the local villagers regarding the accident. It is also submitted that petitioners are in judicial custody since 14.04.2025 having clean antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR and impugned order dated 19.05.2025, it appears that the injured Udhay Sahani has narrated that petitioner along with other accused persons have assaulted him as well as the deceased Chhotu Kumar and stabbed *Bhala* in the chest of the deceased but on perusal of Post Mortem report, it appears that the deceased had died due to Intracranial Hemorrhage which is caused by hard and blunt substance and it shows that injured statement is totally different from the Post-mortem report. So, considering the aforesaid facts and circumstances of the case and submissions made on behalf of the learned counsel for the petitioners, let the above named



petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil (Lakahura) P.S. Case No. 213 of 2023.

(Ramesh Chand Malviya, J)

Sunnykr/-

U			
---	--	--	--

