

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47720 of 2024

Arising Out of PS. Case No.-437 Year-2023 Thana- RAMGARHWA District- East
Champaran

Chanardev Sahani Son of Late Ramanand Sahani R/o Village - Siswaniya,
P.S.- Ramgarhwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv

For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 22-04-2025 Heard learned counsel for the petitioner, Informant
and the State .

2. Petitioner apprehends his arrest in connection with
Ramgarhwa P.S. Case No. 437 of 2023 registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
302, 504, 506 of the Indian Penal Code.

3. The FIR discloses that there is an allegation on 8
FIR named and 15 to 20 unknown persons that they had caught
hold of the informant and the present petitioner Chanardeo
Sahani asked him to call his father, whereafter, the father came
along with some persons to the house of the present petitioner.
It is further alleged that all the FIR named accused persons
along with unknown persons started assaulting them by means
of fists, slaps and bricks and in the meantime, upon exhortation
given by Om Prakash, the present petitioner along with the
others assaulted the father of the informant and also in the



meantime, the petitioner assaulted him with wooden plank on the back of his head due to which, he fell down and the others fled away.

4. Learned counsel for the petitioner submits that it would appear from the FIR itself, that there is general and omnibus allegation on number of persons. On strength of the fact that the occurrence had happened at the house of the petitioner, it is submitted that actually the informant sides were aggressors. The attention of the court has also been drawn towards the inquest report which is part of case diary, the column-5 of which would go to show that only one injury has been seen on the person of the deceased, which is an injury of abrasion on the right hand near the elbow. It has further been submitted that even the post mortem report shows two external injuries, one being a bruise of right elbow and second is on back of neck and hence, it is submitted that injuries do not corroborated the allegations. With regard to such conflict between the oral and medical evidence, learned counsel for the petitioner would submit that the occurrence had happened in some other manner and the petitioner has been falsely implicated in this case.

5. The learned APP for the State oppose the bail



application on the ground that despite there being general and omnibus allegations, the act attributed to the present petitioner is specific in nature and has caused corresponding injury which would be evident from the post mortem report. It is stated that the difference being that of being over back of the neck from the allegation being that of back of head would not be very substantial and would thus have no relevance. It is pointed out that in the inquest report, column -9, it has been recorded that the death of the deceased seems to have been caused by serious injury having been suffered on the back of the head.

6. Considering the rival contentions of the parties and taking into consideration that there is specific allegation on the petitioner of having caused the assault which has produced the corresponding injury causing death of the deceased, I am not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail in connection with Ramgarhwa P.S.Case No. 437 of 2023, pending in the court of learned Sub Divisional Judicial Magistrate, Raxaul, East Champaran stands rejected.

N.K/-

(Soni Shrivastava, J)

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