

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60859 of 2025

Arising Out of PS. Case No.-277 Year-2025 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Sudhir Kumar Sahni S/O Late Tej Narayan Sahni R/O Vill.- Mohalla Kajichak Dharampur, Ward No.-06, P.S.- Muffasil, Dist.- Samastipur
 2. Banti Kumar @ Banti Kumar Sahni S/O Sudhir Kumar Sahni R/O Vill.- Mohalla Kajichak Dharampur, Ward No.-06, P.S.- Muffasil, Dist.- Samastipur
 3. Gautam Kumar S/O Sudhir Kumar Sahni R/O Vill.- Mohalla Kajichak Dharampur, Ward No.-06, P.S.- Muffasil, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the State : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-09-2025 Heard Mr. Amit Kumar Mishra, learned counsel
for the petitioner and learned APP representing the State.

2. The petitioners are apprehending their arrest in connection with Samastipur Muffasil P.S. Case No. 277 of 2025 registered for the offence under Sections 126(2), 115(2), 118(2), 76, 303(2), 352, 351(2) and 3(5) of the B.N.S., lodged on 24.06.2025 by the informant, Sushant Kumar.

3. As per the prosecution story, the informant alleged that on the land dispute, upon protest lodged by the informant, the allegation is that the petitioner no.1, Sudhir Kumar Sahni assaulted the father of the informant by means of bricks on the head while petitioner no.2 and 3 attacked the informant by iron rod again causing head injury, when the lady family member



came to rescue, her modesty was outraged. The injured were shifted to Darbhanga Medical College and Hospital, Darbhanga. This led to the F.I.R.

4. Learned counsel for the petitioner submits that so far as the assault on the informant is concerned, with the help of paragraph no.15 of the petition, it has been submitted that the same have been found to be simple in nature. Regarding assault on the father of the informant, the opinion was reserved till the filing of the petition, they do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the injury sustained by the father of the informant can be clubbed in the category of grievous as the opinion has been reserved. Further, it is only statement of the petitioner in the present petition that the injury of informant has been found to be simple in nature.

6. Considering the submission of the parties as also the role that has been attributed to petitioner no.1, Sudhir Kumar Sahni, his anticipatory bail application stands rejected.

7. So far as the petitioner no.2 and 3 namely Banti Kumar @ Banti Kumar Sahni and Gautam Kumar respectively are concerned, in view of the categorical statement made in the petition that the injury inflicted on the informant has been found



to be simple in nature, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

8. However, this will be subject to the satisfaction of learned court concerned and if it is found that the statement made in paragraph no.15 of the petition regarding simple injury as stated above is incorrect, the present order shall become infructuous.

9. Let the petitioner no.2 and 3 namely Banti Kumar @ Banti Kumar Sahni and Gautam Kumar be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur, in connection with Samastipur Muffasil P.S. Case No. 277 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner no.2 and 3 namely Banti Kumar @ Banti Kumar Sahni and Gautam Kumar who shall provide official document to show his/her bona fide;

(ii) the petitioner no.2 and 3 namely Banti Kumar @



Banti Kumar Sahni and Gautam Kumar shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no.2 and 3 namely Banti Kumar @ Banti Kumar Sahni and Gautam Kumar shall appear before the concerned police station every fortnight for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) the petitioner no.2 and 3 namely Banti Kumar @ Banti Kumar Sahni and Gautam Kumar shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no.2 and 3 namely Banti Kumar @ Banti Kumar Sahni and Gautam Kumar shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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