

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66166 of 2025

Arising Out of PS. Case No.-422 Year-2024 Thana- MINAPUR District- Muzaffarpur

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1. Mahendra Sahani S/o Late Prabhu Sahni R/o Village- Manikpur, PS- Minapur, District- Muzaffarpur
 2. Lalmuni Devi W/o Santosh Sahani R/o Village- Manikpur, PS- Minapur, District- Muzaffarpur
 3. Pawan Kumar S/o Santosh Sahani R/o Village- Manikpur, PS- Minapur, District- Muzaffarpur
 4. Santosh Sahani S/o Mahendra Sahani R/o Village- Manikpur, PS- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Preety Kunwar, Adv

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 2 19-09-2025 1. Heard learned counsel for the petitioners as well as learned APP for the State.
2. At the outset, learned counsel for the petitioners prays for withdrawal of the application on behalf of the petitioner no. 4 (Santosh Sahani), as he has been arrested and the same has become infructuous.
3. The permission is accorded.
4. The application on behalf of the petitioner no. 4 is dismissed as withdrawn.
5. The petition now only survives against petitioner no.1 namely, Mahendra Sahani, petitioner no. 2 namely, Lalmuni Devi and petitioner no. 3 namely, Pawan Kumar.



6. The petitioners apprehend their arrest in connection with Minapur P.S. Case no. 422/2024, registered under Sections 191(1), (2), (3), 109, 74, 117 (2), 352 of the Bharatiya Nyaya Sanhita.

7. The allegation in the first information is that all the accused persons came variously armed and assaulted the informant and his son, Ajay Kumar, by means of *lathi*, *danda* & *farsa*.

8. Learned counsel for the petitioners submits that it would be evident from the first information report itself that as many as 13 persons have been made accused in the FIR, and out of them there is a specific allegation of assault upon Santosh Sahani (petitioner no. 4), and so far as petitioner nos. 1, 2 and 3 are concerned, there are no specific allegations of overt acts attributed. It has further submitted that the petitioner and the informant are full brothers having a land dispute, and the attention of this Court is also invited to Annexure P/3, which is an FIR lodged by the daughter-in-law of the present informant wherein the petitioners had intervened in order to save the daughter-in-law, and hence, the false implication.

9 . The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that one injury



suffered by the informant is grievous in nature however, the same is attributable to Santosh Sahani (petitioner no. 4).

10. Taking into consideration the aforesaid facts and circumstances of the case that there is no specific allegations of assault on the present petitioners and also considering the relationship between the petitioners and the informant, let the above named petitioner no.1 namely, Mahendra Sahani, petitioner no. 2 namely, Lalmuni Devi and petitioner no. 3 namely, Pawan Kumar. who have no criminal antecedent, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Minapur P.S. Case no. 422/2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Court No.8, Muzaffarpur (East) or successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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