

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72815 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- MADHUBAN District- East Champaran

Shambhu Sahani Son of Sajwal Sahani Resident of Village - Sawangiya,
Malahi Tola, P.S.- Madhuban, District - East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-04-2025 Heard Mr. Yashraj Bardhan, learned counsel for the
petitioner and Mr. Jagdhar Prasad, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Madhuban P.S. Case No. 103 of 2024, F.I.R. dated 12.03.2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 447, 504 and 506 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons, in furtherance of their common intention, assaulted to the informant and his family members due to which they sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that due to admitted land dispute, the present occurrence



had taken place and there is case and counter case between the parties. He further submits that although there is specific allegation against the petitioner that he has assaulted to the informant and his family members due to which they have received injuries but the injury report of the injured persons suggests that the injuries are simple in nature caused by hard and blunt substance.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts that there is case and counter case between the parties and the injuries inflicted upon the injured persons are simple in nature, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, East Champaran, Motihari in connection with Madhuban P.S. Case No. 103 of 2024, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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(Rajesh Kumar Verma, J)

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