

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87397 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- BANJARIA District- East Champaran

1. Babloo Sahani @ Babloo Kumar @ Babaloo Kumar Sahani S/O Dalu Sahani R/O Village- Jhakhiya, P.S- Banjariya, Distt.- East Champaran.
2. Dalu Sahani S/O Late Musafir Sahani R/O Village- Jhakhiya, P.S- Banjariya, Distt.- East Champaran.
3. Bholu Sahani S/O Dalu Sahani R/O Village- Jhakhiya, P.S- Banjariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-04-2025 After short argument, learned counsel appearing on behalf of petitioners seeks permission to withdraw the prayer for anticipatory bail of petitioner no. 1 namely Babloo Shani @ Babloo Kumar.

2. Request allowed.

3. In view of aforesaid anticipatory bail of petitioner no. 1, stands dismissed as withdrawn.

4. Now this petition survives only against petitioner no. 2 and petitioner no. 3.

5. The accused/petitioners are named in the



F.I.R. and apprehended their arrest in connection with Banjariya P.S. Case No. 145 of 2024 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

6. As per FIR both petitioners along with co-accused namely Babloo Sahani were working together with the deceased son of the informant as fisherman, where some altercations took place on 16.03.2024, during which son of the informant received head injuries and resultantly died on 25.06.2024.

7. Learned counsel appearing on behalf of the petitioners submitted that from the bare perusal of FIR, thrust of allegation to cause fatal assault is available against co-accused Babloo Sahani, whereas there is no overt act attributed against these petitioners. It is pointed out that even allegation of instigation is also not available against them and they were present at alleged place of occurrence in their professional capacity, being fisherman. While concluding the argument learned counsel submitted that petitioners are men of clean antecedent.



8. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

9. In view of aforesaid facts and circumstances and by taking note of the fact as no overt act prima-facie attributed towards petitioners rather same appears available against co-accused Babloo Sahani, accordingly petitioner no(s). 2 & 3, in the event of their arrest or surrender before the learned Trial Court within a period of four weeks, are directed to be released on bail, 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, Motihari, East Champaran/concerned Court where the case is pending in connection with Banjariya P.S. Case No. 145 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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