

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74111 of 2025

Arising Out of PS. Case No.-132 Year-2025 Thana- MAJHAULIA District- West Champaran

Rajesh Sahni @ Rajeshwar Sahani @ Rajeshwar Sah, S/o Munnilal Sahni,
Resident of Village- Pakri, Ward No.10, Police Station- Dumariya Ghat,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratik, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-12-2025 Heard Mr. Pratik, learned counsel for the petitioner
and Mr. Abhay Kumar Roy, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Majhauliya P.S. Case No. 132 of 2025 dated 01.03.2025 registered for the offence punishable under sections 309(4) of the Bharatiya Nyaya Sanhita.

3. The main submissions advanced by petitioner's counsel are that the petitioner has been made accused mainly on account of the recovery of a *Maruti Wagon R* car near the door of the petitioner's hut-like house, but the FIR does not show the role of this vehicle in the commission of the alleged occurrence as there is no description of the vehicle, which was allegedly used by the accused persons in looting the informant and as per



seizure memo attached to the FIR, the alleged vehicle bearing registration No. BR06AQ3808 is said to have been recovered from the possession of co-accused Pramod Sahani and not from the possession of the petitioner and the said co-accused is co-villager of the petitioner. It is further submitted that the alleged occurrence of loot took place in the early morning at 5:30 A.M. and it is not the case of the prosecution that the accused persons were hiding their faces but even then the informant refused to attend the *Test Identification Parade* in respect of the petitioner. It is further submitted that though against the petitioner there are two criminal antecedents but one relates to the offence under section 366A of the IPC, and the second relates to the offences under section 307 and other sections of the IPC, which are not identical to the offence relating to the present FIR, however, he is on bail in the said antecedent cases and there is nothing incriminating and admissible evidence against the petitioner to connect him to the commission of the alleged offence of loot. It is lastly submitted that the informant has compromised with the co-accused Vijay Sahani and Pramod Sahani after registration of the FIR and filed a compromise petition before the court of learned Chief Judicial Magistrate, Bettiah, denying their role in the commission of the alleged occurrence.



4. Though learned APP for the State has opposed the prayer of the petitioner but fairly accepts that there is nothing incriminating evidence except the recovery of the vehicle, which is alleged to have been used in the commission of the alleged occurrence near the house of this petitioner.

5. In the facts and circumstances of this case and considering the above submissions, in the opinion of this Court, it is a fit case for the grant of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Majhauriya P.S. Case No. 132 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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