

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81689 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

Mohan Sahni S/o- Late Bharat Sahni Resident of Village- Harsher South,
ward No 15, Ps- Siwaipatti Dist-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-01-2025 Heard the parties.

2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Siwaipatti P.S. Case No. 140 of 2023, registered for the offences punishable under Sections 341, 323, 324, 379, 354, 307, 302, 504, 506/34 of the Indian Penal Code.

3. The allegation against petitioner is to actively participate during alleged occurrence, where co-accused Dinesh Sahni assaulted with a wooden rod to husband of informant, causing head injuries, leading to his death, where prior to the occurrence, petitioner alongwith other



co-accused persons assaulted the family members of the informant after criminal trespass.

4. Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of FIR, it appears that occurrence took place at two different places, first at the house of the informant and second on way, while informant was returning from his agricultural field. It is further pointed out that for first set of occurrence, informant not appears to be an eye-witness of the occurrence, where the involvement of this petitioner is alleged, whereas in second and subsequent occurrence, the petitioner was not found present as per the narration of FIR, where co-accused Dinesh Sahni specifically given fatal blow on the head of the husband of informant, causing his death. It is submitted that the allegation is very much general and omnibus against this petitioner, for the occurrence, which took place at the house,



where alleged injury as per report appears simple in nature, denying on its face that same was not sufficient to cause death. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of anticipatory bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact that the allegation of fatal assault is not available against this petitioner rather he was only found present as per narration of FIR during the first set of occurrence, for which the informant *prima facie* appears not the eye-witness of the occurrence, and moreover, during said occurrence, the injured received simple injury, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., East Muzaffarpur/concerned Court, where the case is pending in connection with Siwaipatti P.S. Case No. 140 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

