

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83452 of 2025

Arising Out of PS. Case No.-184 Year-2025 Thana- MEHSI District- East Champaran

Sonu Sahani @ Lall Babu @ Suga @ Sona Kumar Sahani @ Santu Sahani @
Sanu Sahani S/o Sukh Lall Sahani, Resident of Village- Chak Nagari, P.S.
Mehsi, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with
CRIMINAL MISCELLANEOUS No. 83104 of 2025

Arising Out of PS. Case No.-184 Year-2025 Thana- MEHSI District- East Champaran

Basant Ray S/o Deonarayan Prasad Yadav @ Kameshwar Ray @ Kamlesh
Ray, R/o vill - Amwa, P.O. and P.S.- Mehsi, Distt.- East Champaran at
Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with
CRIMINAL MISCELLANEOUS No. 83138 of 2025

Arising Out of PS. Case No.-184 Year-2025 Thana- MEHSI District- East Champaran

Rajesh Ray S/o Basudev Ray, R/o Village - Tajpur Bada, P.O and P.S - Mehsi,
District - East Champaran at Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 83452 of 2025)

For the Petitioner : Mr. Lokesh Kumar, Advocate

For the State : Mr. Binod Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 83104 of 2025)

For the Petitioner : Mr. Santosh Kumar, Advocate

Mr. Bimlesh Kumar Pandey, Advocate

For the State : Mr. Md. Aslam Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 83138 of 2025)

For the Petitioner : Mr. Santosh Kumar, Advocate

Mr. Bimlesh Kumar Pandey, Advocate

For the State : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER



2 08-12-2025

All three criminal miscellaneous petitions have arisen out of the same Police Station case number, hence they are being heard together and decided by a common order.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. In the present case, the petitioners seek bail in connection with Mehsi P.S. Case No. 184 of 2025 dated 11.07.2025, registered for the offences punishable under Sections 190, 191(2), 191(3), 126(2), 118(1), 118(2) and 109 of the B.N.S., 2023.

4. As per the prosecution case, petitioners and other co-accused persons dragged away the son of the informant when a fighting erupted during *Tazia* procession. The informant further alleged that his wife was given information on mobile phone that his son was lying at a particular spot and thereafter, he informed the Police and Police reached there and found his son in injured condition. Later on, the son of the informant succumbed to his injuries.

5. Learned counsel appearing on behalf of the petitioners, Basant Ray and Rajesh Ray submitted that the whole prosecution story is false and concocted and it is apparent from the FIR itself. The present case has been lodged after five days of occurrence, though the informant had described the facts as if he



were present at the spot. If the informant had been knowing about petitioner and other co-accused persons taking away his son and assaulting him, he did not inform the Police immediately and even when he came to know about his son been lying at some place, he did not reach there and instead informed the Police. The conduct of the informant shows the informant has something to hide. The actual fact of the case is that the informant's side assaulted a number of persons from the petitioners' side and one of them namely, Ajay Ray died for which Mehshi P.S. Case No. 178 of 2025 has been lodged by one Dhananjay Kumar for murder of his brother Ajay Ray. The said occurrence took place in the background of enmity between Naval Ray, Vipat Baitha and Md. Nizamuddin. He further submits that *post-mortem* report does not show any external injuries on the son of the informant and this falsifies the allegation of assault against ten persons including the petitioners, rather the *post-mortem* report shows the death was caused due to head injury due to blunt force impact and the son of the informant might have received this injury while fleeing away from the spot. Learned counsel next submits that petitioner Basant Ray is in custody since 15.09.2025 having antecedent of two cases and out of two cases he is acquitted in one case and on bail in other case and petitioner Rajesh Ray is in custody since 15.09.2025 having antecedent of three cases and out of three cases



he is acquitted in one case and on bail in rest two cases and chargesheet has been submitted. Learned counsel appearing on behalf of petitioner Sonu Sahani submitted that there is no specific allegation against this petitioner and he has been named in this case without any substantive material. The petitioner was not even present in Bihar on the date of occurrence as he was working in Punjab. The Police did not investigate the matter properly. Though request was made to the SHO of Mehshi Police Station to check the CDR and the location of the petitioner. Learned counsel adopting the argument of other learned counsel also referred to the background of the occurrence and the counter version of Mehshi P.S. Case No. 178 of 2025 in which the son of the informant was an accused. Learned counsel lastly submits that petitioner, Sonu Sahani is in custody since 17.07.2025, having clean antecedent and chargesheet has been submitted.

6. Learned A.P.P. appearing on behalf of the State opposes the submission made on behalf of the petitioners.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of the counter version and the doubtful nature of the allegation against the petitioners and also taking into account the period of custody of the petitioners and the submission of chargesheet, the petitioners, above-named, are directed to be



released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran / concerned Court, in connection with **Mehsi P.S. Case No. 184 of 2025**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of non-appearance of the petitioners on single date or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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