

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.923 of 2025

Arising Out of PS. Case No.-390 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Birendra Sahani Son of Late Hira Sahni R/vill - Dih Mahnahi, P.S.- Chiraiya, Distt- East Champaran
2. Sikindar Sahani Son of Late Hira Sahani R/vill - Dih Mahnahi, P.S.- Chiraiya, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the State : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-03-2025 Heard the parties.

2. The petitioners are in custody in connection with S.Tr. No. 832 of 2024 arising out of Chiraiya P.S. Case No. 390 of 2023 for the offence punishable under sections 341, 323, 324, 307, 354(B), 504, 506 and 34 of the Indian Penal Code, lodged on 20.08.2023 by the informant, Geeta Devi.

3. As per the prosecution story, the accused side came and assaulted the informant/husband as also family members and specific allegation is against both the petitioners that they hit on the head of the informant's husband causing injuries. This led to the F.I.R.

4. Learned counsel for the petitioners submit that earlier they moved before this Court in Cr. Misc. No. 36580 of 2024 but the same was dismissed vide an order dated



23.08.2024. It is his further submission that though multiple injuries are there, they have been found to be simple in nature. The last submission is that if granted relief, they shall be diligently appearing in trial failing which the State shall be free to take recourse to cancellation of his bail bonds.

5. Learned APP as also the learned counsel for the informant opposes the prayer for bail and jointly submit that the role of the petitioner cannot be overlooked as they inflicted wounds on the victim. It may be simple in nature but had effect on the said victim.

6. Considering the submissions put forward by the parties as also the fact that these two petitioners do not have criminal antecedent, earlier their bail application has been rejected, they in custody since 17.03.2024 and an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-10, East Champaran, Motihari, in connection with S.Tr. No. 832 of 2024 arising out of Chiraiya P.S. Case No. 390 of 2023, subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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