

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90238 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- SUGAULI District- East Champaran

1. Baccha Sahni @ Bacchalal Sahni S/O Late Lalman Sahni @ Lalmani Sahni R/O Vill.- Sugaw, Tola- Godigawa, P.S.- Sugauli, Dist.- East Champaran.
2. Om Prakash Sahni S/O Late Lalman Sahni @ Lalmani Sahni R/O Vill.- Sugaw, Tola- Godigawa, P.S.- Sugauli, Dist.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh, Advocate Ms. Alka Singh, Advocate Mr. Sumeet Kumar Singh, Advocate Mr. Shivam Singh, Advocate Mr. Amarendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, Advocate
For the Informant	:	Mr. Rakesh Kumar No. 1, Advocate Mr. Shailesh Kumar Yadav, Advocate Mr. Sunny Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 09-04-2025 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned APP for the State.

02. In the present case, the petitioners seek bail in connection with Sugauli P.S. Case No. 92 of 2024 registered for the alleged offences under Sections 341, 323, 379, 363, 365/34 of the Indian Penal Code.

03. As per prosecution case, when the informant took her daughter to her matrimonial home, about 200 persons assembled and started assaulting the informant and others and took away the daughter of the informant. They also snatched the



mobile phone and Rs. 50,000/- cash from the informant. The informant named the petitioners and other co-accused persons, who were involved in the occurrence.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The daughter of the informant is married to co-accused Guddu Sahni and the petitioners are own uncle of Guddu Sahni. Due to local politics, the petitioners have been falsely implicated in the present case. From the FIR, it is evident that there is no specific allegation against the petitioner. The victim lady has been recovered and her statements were recorded under Sections 161 and 164 of the Cr.P.C., but even in her statement the victim has not made any specific allegation against the petitioners. The co-accused husband of the daughter of the informant has filed Matrimonial Case No. 119 of 2023 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights as the daughter of the informant refused to stay with him. The daughter of the informant has also filed Mahila P.S. Case No. 16 of 2023 under Sections 498(A), 341, 323, 504/34 of IPC and Section 3/4 of Dowry Prohibition Act against the petitioners and others. Learned counsel further submits that the victim lady refused to undergo medical examination and this



falsifies the allegation of assault and the said allegation is specific against the brother-in-law of the victim lady and not against the petitioners. The petitioners are in custody since 19.09.2024 and charge-sheet has been submitted. The petitioner no. 1 is having antecedent of three cases and petitioner no. 2 is having antecedent of two cases and they are on bail in all such cases.

05. Learned APP for the State as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the petitioners along with other co-accused persons assaulted the informant, her daughter and her family members and also forcibly took away the daughter of the informant and kept her confined for one and half month at some unknown place.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of specific allegation against the petitioners and further considering the period of custody of the petitioners along with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/court concerned in connection with Sugauli P.S. Case No. 92 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the 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.
- (iii) In case of absence on three consecutive dates 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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