

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13469 of 2026

Arising Out of PS. Case No.-188 Year-2025 Thana- HALAI District- Samastipur

1. Tuntun Sahani S/o Jaikishun Sahani @ Jai Kishun Sahni R/o Village - Darba, Ward No. 11, P.S - Halai, District - Samastipur
2. Ashok Sahani S/o Ramsikil Sahani @ Jaikishun Sahani @ Jai Kishan Sahni R/o Village - Darba, Ward No. 11, P.S - Halai, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2026 Heard Mr. Lakshmindra Kumar Yadav, learned counsel for the petitioners and Mr. Jagdhar Prasad, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since 29.10.2025 in connection with Halai P.S. Case No. 188 of 2025, F.I.R. dated 29.10.2025 for the offences punishable under Sections 126(2), 115(2), 117(2), 109(11), 132, 253, 304(2), 352 and 3(5) of the BNS, 2023.

3. According to prosecution case, these petitioners along with other accused persons have attacked on the police personnel who have come to arrest the co-accused Kanhaiya Sahani in another case.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. The allegation as alleged in the F.I.R is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. From perusal of the F.I.R it appears that police personnel have come to the house of the co-accused, namely, Kanhaiya Sahani to arrest him in Halai P.S. Case No. 57 of 2025 where all the family members of the co-accused along with these petitioners have attacked upon police personnel. He further submits that it appears from the FIR that there is no specific allegation of assault attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. Apart from that the injury report of the injured person suggest that the injury is simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Kanhaiya Sahani @ Kanhaiya Kumar Sahani has been granted bail by this Court vide order dated 31.03.2026 passed in Cr. Misc. No. 20166 of 2026. The petitioners are in custody since 29.10.2025.

5. Learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one but fairly submits that they are on bail in the pending matter. Apart from that there is allegation against them that they have attacked on the police personnel.

6. Considering the aforesaid facts and circumstances that the injury received by the injured person is simple in nature and similarly situated co-accused has been granted bail by this Court, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Shahpur Patori, Samastipur in connection with Halai P.S. Case No. 188 of 2025, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

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

