

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13928 of 2026

Arising Out of PS. Case No.-1138 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Kailash Sahni S/o- Late Dasai Sahni R/Village - Gangaura , P.S. - Chakmehsi District - Samastipur
 2. Laxman Sahni S/o- Munna Sahni R/v- Trimohan Ps- Basura Moro Dist- Darbhanga
 3. Ram Nandan Rai S/o- Late Muneshwar Rai R/v- Susta Tole Badya Ps- Gaighat Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Debu Ram S/o- Late Visheshwar Ram R/v- gangaura Ps- Chakmehsi Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

Mr. Neeraj Kumarm Advocate

For the Opposite Party/s : Mr. Mirtunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-03-2026 Heard learned counsel for the petitioners, the learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302/34, 120B, 467, 468, 201 of the IPC read with Sections 18 and 22 of Transplantation of Human Organs and Tissues Act (THOTA).

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and based on



complaint of O.P. No.2, an F.I.R was instituted and the allegation in the FIR in sum and substance was that his daughter-in-law became ill thus the informant asked Kailash for help who in garb of giving monetary help, made the informant signed on some blank paper, further his daughter-in-law was treated by the doctor but her condition did not improve hence was referred to P.M.C.H where doctor found that her kidney was extracted.

4. Learned counsel for the petitioners submits that the petitioner have been falsely implicated in the instant case. It is next submitted that police after threadbare investigation came to a considered conclusion that the petitioners are innocent and thus submitted final form in their favour exonerating them of the allegations as alleged in the F.I.R and recommended for initiating an action against the informant under Section 182 and 211 of the I.P.C for instituting a false case, it is submitted that the informant as complainant filed a protest based on which cognizance came to be taken in the year 2020. It is further submitted that the petitioners were completely unaware that cognizance in the case has been taken in the court as they never received any summons.

5. Learned A.P.P. for the State submits that no pleading



to that effect has been made in the anticipatory bail application and the learned counsel appearing on behalf of the O.P. No. 2 submits that process under Section 82 of Cr.P.C has been issued against the petitioners on 22.01.2026, on which the learned counsel appearing on behalf of the petitioners submits that what is not in dispute rather stands admitted is that the police after investigation submitted final form and recommended for initiating an action against the informant under Section 182 and 211 of the I.P.C and thereafter based on protest cognizance came to be taken in the year 2020 and thereafter the petitioners never received any summons but then police in the last month of 2025 knocked the door of the petitioners when they came to know that cognizance in the case has been taken based on protest as such the petitioners moved before the learned district court seeking anticipatory bail by filing A.B.P No. 3183 of 2025 and the same came to be rejected by an order dated 12.01.2026. It is next submitted that thereafter the petitioners after obtaining all the relevant documents approached this court by filing the instant anticipatory bail application on 19.02.2026 but in between on 22.01.2026 process under Section 82 Cr.P.C was issued. It is submitted that petitioners were not absconding rather were availing their remedy available in law. It is also



submitted that when one investigating agency after a threadbare investigation came to a considered conclusion that the petitioners are innocent whether it would be prudent for the Court to send the petitioner to jail based on an order of cognizance which came to be taken based on a protest petition. It is also submitted that if privilege of anticipatory bail is granted, the petitioners will not abscond rather will co-operate in the trial to prove their innocence.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the O.P. No. 2 opposes the anticipatory bail application but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that police after investigation submitted final form exonerating the petitioners of the allegations and recommend for initiating action against the informant/complainant under Section 182 and 211 IPC.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



trial court where the case is pending/successor court in connection with complaint petition vide C.R. Case No. 1138 of 2018 arising out of Chakmeshi P.S. Case No. 16 of 2016 subject to the conditions as laid down under Section 482 (2) of the BNSS/Section 438(2) of the Cr.P.C.

8. However, it is made clear that if the learned trial court comes to a conclusion that the petitioners after their release on anticipatory bail are trying to delay the framing of charge or after framing of charge are trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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