

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20166 of 2026

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

Kanhaiya Sahani @ Kanhaiya Kumar Sahani S/O Jai Kishun Sahni @ Jay Kishun Sahani R/O Vill.- Darba, Ward No.- 11, P.s- Halai, District- Samstipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-03-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 23.12.2025 in connection with Halai P.S. Case No. 188 of 2025 for the offences punishable under Sections 126(2), 115(2), 117(2), 109(1), 132, 253, 304(2), 352, 3(5) of BNS.

3. The prosecution story, in brief, is that Police Sub Inspector, Nitun Kumar, posted at Halai P.S. gave a typed copy of statement of O/C, Halai alleging therein that on 28.10.2025 at 22.40 hours night along with police party proceeded for patrolling and arrested accused persons in remaining cases in view of upcoming Legislative Assembly Election. During verification, they reached near the house of accused Kanhaiya Sahani at 23.05 hours and being present in house of Kanhaiya



Sahani he was arrested on which relatives started to oppose and persons of the house of Kanhaiya Sahani and persons from nearby attacked with lathi-danda on people party and got freed Kanhaiya Kumar and during the assault police Sub- Inspector Sujit Kumar got injured when they tried to save themselves they snatched the policed arm. It is next alleged that in the meantime additional Police force on the occasion of Election reached there and those persons were over powered and Chaukidar-11 who was alongwith police party recognize accused persons as 1. Jai Kishun Sahani, 2. Tuntun Sahni, 3. Ashok Sahani, 4. Fudan Kumar, 5. Ganesh Kumar, 6. Sujit Kumar, 7. Mina Devi, 8. Pramila Devi, 9. Kanhaiya Sahani and 10 other unknown.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is next submitted that from bare perusal of the FIR it appears that the informant and other police personnel have come in the house of the petitioner to arrest the petitioner in connection with Halai P.S. Case No. 57 of 2025 but the other family members of the petitioner have attacked the police party and some of the police personnel have received



injury. Learned counsel for the petitioner submits that from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act against the petitioner rather the allegations are general and omnibus in nature against the accused persons including the petitioner. It is also submitted that petitioner has been granted bail in Halai P.S. Case No. 57 of 2025 and the police has submitted charge-sheet and the petitioner is in custody since 23.12.2025.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Judicial Magistrate-1st Class, Shahpur Patori, Samastipur or Successive learned court in connection with Halai P.S. Case No. 188 of 2025, subject to the following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient



reason, his bail bond shall be canceled by the Court below.

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

Gaurav Sinha/-

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