

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44669 of 2026

Arising Out of PS. Case No.-50 Year-2026 Thana- MOTIHARI MUFASIL District- East Champaran

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1. Raj Kumar @ Raj Kumar Sahani S/o Lal Babu Sahani R/o Village - Tikuliya(Babu Tola), P.s. - Motihari, District - East Champaran.
 2. Lal Babu Sahani S/o Mahant Sahani R/o Village - Tikuliya(Babu Tola), P.s. - Motihari, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. After some arguments, considering the nature of allegations, which are specific against petitioner no.1, learned counsel for the petitioners seeks permission to withdraw the present application insofar as petitioner no.1 is concerned, with liberty to take appropriate remedy in accordance with law.

3. Permission is granted.

4. Accordingly, the instant application as against the petitioner no.1 is dismissed as withdrawn.

5. Now, the instant bail application is being heard only with regard to the petitioner no.2.



6. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No.50 of 2026, dated 26.01.2026, registered for the offence punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 103(1), 3(5) of the Bharatiya Nyaya Sanhita.

7. As per the FIR, the allegation is that the petitioner, along with the other co-accused persons, attacked the informant's father and his family members with deadly weapons, as a result of which the informant's father died on the spot and the other family members sustained serious injuries.

8. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that the specific allegation of the overt act leading to the death of the informant's father is against petitioner no.1 and co-accused Ram Ekbal Sahani, whereas the bail application of petitioner no.1 has already been withdrawn. It is further submitted that no specific overt act has been attributed to petitioner no.2. Lastly, it is submitted that the petitioner has two criminal antecedents, in both of which he is on bail.

9. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioner no.2.



10. Considering the facts and circumstances of the case, particularly the fact that the specific allegation of the fatal assault is against petitioner no.1, whose bail application has already been withdrawn, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Motihari, East Champaran/Successor Court in connection with Muaffasil P.S. Case No.50 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/ personal affidavit to show his/her bona fide;

(ii) the petitioner(s) 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 his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

(iv) the petitioner(s) 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.



11. Accordingly, the instant bail application is partly allowed.

(Ajit Kumar, J)

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