

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51767 of 2026

Arising Out of PS. Case No.-200 Year-2026 Thana- DURAULI District- Siwan

1. Jai Prakash Sahani @ Jayaprakash Sahani S/o Ramanarayan Sahani Resident of Village- Balahu, P.S.- Darauli, Distt.- Siwan
2. Abhishek Sahani @ Avishek Sahani Son of Jai Prakash Sahani @ Jayaprakash Sahani Resident of Village- Balahu, P.S.- Darauli, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 29-07-2026 Heard the learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Darauli P.S. Case No. 200 of 2026, F.I.R dated 14.05.2026 registered for the offences punishable under Sections 126(2), 115(2), 109, 351(2) 352, and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, a dispute arose when co-accused demanded chicken on credit and was refused due to unpaid dues. Thereafter, the informant's husband was allegedly assaulted with lathis, an iron rod and a knife, causing serious injuries, and also her son was assaulted when he



intervened. It is further alleged that Rahul Jaiswal instigated the assault. The injured were taken to PHC Darauli and later referred to Sadar Hospital, Siwan for treatment, whereafter the present F.I.R. was lodged.

4. Learned counsel for the petitioners submits that for an allegation which is said to have been taken place on chicken shop, which is being run by the informant's husband, the petitioners are implicated in this case, while the injuries having been found to be simple in nature, however, an injury is grievous on the nose of the informant's husband, which cannot be specifically attributed to these petitioners. It has next been submitted that in order to show is *bona fide* and to put the on going dispute at rest, the counsel for the petitioners on instruction that the petitioners propose to pay Rs.3000/- to the informant for medical treatment received without accepting their guilt and an undertaking that they will maintain peace and harmony with the informant and her family members. Lastly, it has been submitted that the petitioners have no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances



and taking into account the fact that the injury sustained is simple in nature and the injury, which is said to have grievous in nature, cannot be specifically attributed to caused by the petitioners. Further, they are showing *bona fide* by providing a financial assistance for medical treatment and have clean antecedent. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 J.M.-1, Siwan in connection with aforementioned P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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.

8. However, the learned Court below is directed to ensure the presence of the informant and the amount which the petitioners propose to pay shall be handed over to the informant, whereafter, only the bail bonds of the petitioners shall be accepted.

(Ajit Kumar, J)

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