IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76890 of 2026

CNR No. BRHC011060052026

Arising Out of PS. Case No.-54 Year-2026 Thana- WARISNAGAR District- Samastipur

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Mukesh Sahni S/o Upendra Sahni R/o Village - Ballipur Darorari, Post - Darhstuar, P.S - Warisnagar, District - Samatipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Abhay Kumar, Adv.
For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 04-11-2026 Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Warisnagar P.S. Case No. 54 of 2026, F.I.R dated 08.03.2026, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 303(2), 352, 351(2), 3(5) of the BNS, 2023.

3. According to prosecution case, the informant, Vivek Yadav, aged about 17 years, submitted a written report alleging that on 04.03.2026, at about 7:00 P.M., while he and his family members were having dinner after celebrating Holi, his father, Umesh Rai, the present Sarpanch of the village, was abusing his mother and sister. When the informant and his

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brother, Raushan, came out of the house, accused Pramod Sahni and Birju Sahni started abusing them. Thereafter, the other accused persons, namely, Ajit Sahni, Mukesh Sahni, Rajesh Sahni and Kanti Devi, armed with iron rods and a farsa, surrounded the informant. On the instigation of Kanti Devi, Pramod Sahni handed over an iron rod to Birju Sahni, while Ajit and Mukesh caught hold of the informant, and Pramod Sahni assaulted him on the head with a farsa, causing a bleeding injury. It is further alleged that the accused persons assaulted the informant with an intention to kill him and snatched his gold chain, chakti and Rs. 2,50,000/-.

4. Learned counsel for the petitioner submits that there is a case and counter-case, and both sides are said to have sustained injuries, and the injuries sustained by the informant have been found to be simple in nature. However, the allegation against this petitioner is that he assisted Pramod Sahni in the commission of the incident. It has next been submitted that the petitioner has clean antecedents.

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

6. Considering the aforesaid facts and circumstances, particularly the existence of a case and counter-case, the fact

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that both sides are alleged to have sustained injuries, coupled with the clean antecedent of the petitioner, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of four weeks 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 Judicial Magistrate-1st Class, Samastipur, in connection with Warisnagar P.S. Case No. 54 of 2026, 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;

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(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.

(Ajit Kumar, J)

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