

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19900 of 2015

Arising Out of PS.Case No. -49 Year- 2014 Thana -ANTICHAK District- BHAGALPUR

1. Jitendra Thakur
2. Ghanshyam Thakur Both sons of Chhatu Thakur
3. Prince Thakur, Son of Surya Narayan Thakur
4. Bhikhari Thakur, son of Late Khiro Thakur
5. Munni Devi, wife of Chandradeo Thakur
6. Punam Kumari Daughter of Chandradeo Thakur,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.22139 of 2015

Arising Out of PS.Case No. -49 Year- 2014 Thana -ANTICHAK District- BHAGALPUR

1. Mamta Devi Wife of Mithun Thakur
2. Mithun Thakur Son of Shankar Thakur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.19900 of 2015)

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Ambika Bhagat(Spl. P.P.)

(In Cr.Misc. No.22139 of 2015)

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-05-2015 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504, 353, 325, 332 and 333 of the Indian Penal

Code and Section 3 (I) (X) of the SC/ST (Prevention of Atrocities) Act.

It is alleged by the informant being the ASI of Antichak police station that he reached to investigate Antichak P.S. Case No. 48 of 2014 when he was assaulted by the accused of above mentioned case and abused by calling caste name.

It is submitted by learned counsel for the petitioners that for the occurrence of 31.10.2014 at 10.30 PM the FIR was registered on 31.10.2014 at 10.30 PM itself when the FIR reached to the learned Judicial Magistrate on 03.11.2014 and there is overwriting on the timing of registration of the FIR which suggests the antedating of the FIR. A statement has been made in para 14 of the petition that there is no injury report on the record. Apart from the present case and Antichak P.S. Case No. 48 of 2014, the petitioner is not accused in any other case.

Considering the delayed reaching of the FIR to the court of learned Judicial Magistrate which clouds the bona fide of the accusation levelled by the police officer, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the

satisfaction of the learned J.M., 1st Class, Bhagalpur in connection with Antichak P.S. Case No. 49 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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