

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17105 of 2017

Arising Out of PS.Case No. -79 Year- 2017 Thana -GANDHIMAIDAN District- PATNA

1. Lalan Kumar.

2. Chandan Kumar

Both are Sons of Late Kamleshwari Prasad, Resident of House No. 239
Hiralal Lane Chhajjubag, P.S. Kotwali, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh

For the Opposite Party/s : Mr. Smt. Gulnar Begam

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 07-07-2017 Heard Sri Nagendra Kumar Singh, learned counsel
for the petitioners and Mrs. Gulnar Begam, learned Addl. Public
Prosecutor.

Two petitioners, apprehending their arrest in
Gandhi Maidan P.S. Case No.79/2017 registered for the offence
under Sections 341, 342, 323, 325, 385, 384, 504, 506/34 of the
Indian Penal Code, have prayed for grant of bail, in the event of
their arrest or surrender, primarily on the ground that the present
F.I.R. has been lodged maliciously by the informant, who is none
else but Sub Inspector of Police, C.I.D., Govt. of Bihar. By way of
referring to Annexure-3 to the petition, i.e. copy of the F.I.R. in
Kotwali P.S. Case no.06/17 registered on 04.01.2017 for the



offence under Sections 279, 337, 338, 307 of the Indian Penal Code, in which the petitioner no.1 had given his fardbeyan in New Gardiner Road Hospital, he submits that driver of the vehicle and some unknown persons had committed offences. In the said occurrence, petitioner no.1 had received serious injuries. In the said F.I.R. i.e. Kotwali P.S. Case No.06/2017 he had stated that on the place of occurrence, he had found one Identity Card, which was in the name of Md. Rizwanullah, Sub Inspector of Police. After more than one month of lodging this F.I.R., the informant of the present case, whose I-Card was found by petitioner no.1 at the place of occurrence, which had occurred on 04.01.2017, has maliciously and falsely lodged the present case, as if petitioners had committed serious offence against the informant of the present case. He submits that present F.I.R. was lodged on 07.02.2017, in which false accusation was made against both petitioners. Falsity of the allegation, according to learned counsel for the petitioners, is evident on perusal of the F.I.R. itself.

Learned Addl. Public Prosecutor has opposed the prayer for anticipatory bail. However, this Court has also perused the F.I.R. of both cases. On perusal of the F.I.R., which was lodged after more than one month of lodging the F.I.R. of Kotwali P.S. Case No.06/2017, the Court is satisfied that it is a fit case for



extending the privilege of anticipatory bail. Accordingly, both petitioners, namely, (i) Lalan Kumar and (ii) Chandan Kumar, in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge VI-cum- A.C.J.M., Patna in connection with Gandhi Maidan P.S. Case No.79/2017, subject to condition as laid down in Section 438(2) of the Code of Criminal Procedure.

However, considering the nature of accusation as well as the fact disclosed in the present case i.e. Gandhi Maidan P.S. Case No.79/2017 as well as Kotwali P.S. Case no.06/2017, it is desirable to direct the Senior Superintendent of Police, Patna to personally examine veracity of the present case and if he feels that the present case was filed maliciously, the Court expects that the Senior Superintendent of Police, Patna may take appropriate decision in the matter.

Let a copy of this order be sent to the Senior Superintendent of Police, Patna for its compliance.

(Rakesh Kumar, J)

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