

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72290 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- BASANHI District- Saharsa

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Anil Keshari @ Chhotu Keshari @ Anil Kumar Keshari Son of Dhuran
Keshari @ Ghuran Keshari Resident of Village - Pachlakh, P.S.- Basnahi,
Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Ashraf Ansari

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Basnahi
P.S. Case No. 7 of 2019 registered for the offence punishable
under Sections 147, 149, 341, 323, 324, 326, 504 and 506 of the
Indian Penal Code.

Over land dispute, six named accused persons
including the petitioner slated the informant and assaulted him
by means of leg and fist during the course of defecation and
petitioner stabbed in his right eye inflicting grievous injury in
his eye.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence.
As a matter of fact, brother of the petitioner, namely, Vakil



Keshari has lodged Basanhi P.S. Case No. 66 of 2017 against the father of the informant and Sessions Trial No. 145 of 2018 is going on regarding the said case and in order to mount pressure upon the informant of the said case to get the said case compromised, informant has lodged this false and frivolous case against the petitioner and others. Witnesses in paragraphs 14, 15 and 16 of the case diary, have not witnessed occurrence of stabbing in the eye of the informant by the petitioner rather they have unanimously stated that they had seen all the six accused persons assaulting the informant by means of lathi and fist and his eye bleeding. It is the informant, who divulged them that the petitioner stabbed in his eye. Informant did not get himself treated in the government hospital rather in the private hospital. There has been inordinate and abnormal delay of 2 months 14 days in lodging the FIR without assigning any plausible and convincing explanation for the said delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent and has been languishing in custody since 30.08.2019.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the



above named petitioner 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 learned C.J.M., Saharsa in connection with Basnahi P.S. Case No. 7 of 2019.

(Prakash Chandra Jaiswal, J)

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