

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9602 of 2020

Arising Out of PS. Case No.-115 Year-2019 Thana- KARPI District- Jehanabad

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1. DHIRAJ KUMAR Son of Anil Ram Resident of Village - Devi Bigha, P.S.- Kapri (Sahar Telpa), District- Arwal
 2. Bablu Kumar Son of Late Lal Mohan Ram Resident of Village - Devi Bigha, P.S.- Kapri (Sahar Telpa), District- Arwal

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra

For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-10-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 308, 452 & 504 of the Indian Penal Code.

While the informant was sleeping in his house, both the petitioners along with 3-4 unknown miscreants are said to have tried to enter into the house of the informant with intention to theft but in the meantime the informant wake up and tried to raise hulla, then petitioner no.1 gave a knife blow upon him with intention to kill him and sustaining injury on the left eye he fell down on the ground and they badly assaulted him by



fists and slaps. They also slated him. When the local people reached there they managed to escape from the place of occurrence.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to previous enmity. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of two days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay. Moreover, the informant and the petitioners are the residents of same locality and with the help of best wishers of both the parties, the matter has been compromised and a compromise petition has been annexed as Annexure-2 with this application. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner no.2-Bablu Kumar, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal in connection with



Karpi (Sahar Telpa) P.S. Case No.115 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner no1.-Dhiraj Kumar is concerned, as there is direct allegation against him, the prayer for anticipatory bail of petitioner no.1 is hereby rejected. However, petitioner no.1 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J.)

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