

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7647 of 2020

Arising Out of PS. Case No.-25 Year-2019 Thana- NADI District- Supaul

1. Munna Yadav S/o Dilip Prasad Yadav Resident of Ghoghardiha, P.S.- Supaul Nadi Thana, Distt- Supaul.
2. Dilip Prasad Yadav S/o Laleshwar Yadav Resident of Ghoghardiha, P.S.- Supaul Nadi Thana, Distt- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Nawal Kishore Prasad
Mr. Arun Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 01-09-2020 Heard learned counsel for the petitioners, learned A.P.P. for the State as well as learned counsel for the informant through video conferencing.

The petitioners apprehend their arrest in Supaul Nadi Thana P.S. Case No. 25 of 2019 registered for the offence under Sections 341, 342, 323, 325 and 307/34 of the Indian Penal Code.

In the F.I.R., the informant has alleged that petitioners alongwith four other unknown persons surrounded him while he was returning home and thereafter, all started assaulting him by revolver, *khanti* & rod and thereafter, he was thrown near the embankment, as a result of which, he received several injuries.



It is submitted on behalf of petitioners that petitioners are innocent and have falsely been implicated in this case due to previous enmity. It is further submitted that FIR has been lodged belatedly after 3-4 days and there is no explanation for the same. It is further submitted that as per injury report, which is at Annexure – 2, no injury has been found on the body of informant. In fact, informant met with an accident and after thought due to previous enmity, the instant case has been lodged. Petitioners have no criminal antecedent.

However, learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for bail. Learned counsel for the informant submits that there is specific allegation against petitioner no. 1 that he caught hold of the informant and petitioner no. 2 and others have thrown informant near the embankment.

Considering the aforesaid facts and circumstances and the fact that no injury has been found on the body of informant and F.I.R. has been lodged after lapse of 3-4 days, the anticipatory bail application is allowed.

In the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the above-named petitioners be enlarged on bail on



furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul Nadi Thana P.S. Case No. 25 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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