

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28171 of 2020

Arising Out of PS. Case No.-169 Year-2019 Thana- LAURIA District- West Champaran

1. Sanjeev Kumar Thakur @ Sandeep Kumar, aged about 21 years, Male, Son of Munna Thakur, Resident of Village - Belwa, P.S. - Lauriya, Dist.- West Champaran.
2. Nitesh Kumar Thakur, aged about 23 years, Male, Son of Bachchu Thakur, Resident of Village - Thakur Tola, P.S. - Lauriya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-12-2020 Heard learned counsel for the petitioners and Mr. Shyameshwar Dayal, the learned Additional P.P. through video conferencing.

Petitioners apprehend their arrest in Lauriya P.S. Case No.169 of 2019, registered under Sections 147, 149, 341, 323, 353, 224, 504 and 506 of the Indian Penal Code.

The informant alleged that he went to arrest Ambuj Thakur, an accused in Lauriya P.S. Case No.119 of 2019, on information that he was seen at the gate of Nandangarh College. When the police team arrived there, Ambuj Thakur and 12-15 other persons made protest but Ambuj Thakur was arrested. The accused persons misbehaved the police and assaulted the police



officials by fists and slaps. Thereafter all the accused persons including Ambuj Thakur fled away.

Learned counsel for the petitioners submits that the occurrence took place on 11.10.2019, but the informant gave his written statement on 13.10.2019. The FIR lodged by the informant, who is also a police official, was received in the court of ACJM on 22.10.2019. This inordinate delay in either lodging the FIR and sending the same to the court creates reasonable doubt about the veracity of the allegation. It appears that the Investigating Officer concocted the story and named the petitioners who happens to be the relative of Ambuj Thakur. The petitioners had no occasion to accompany Ambuj Thakur at the gate of college.

The learned Additional P.P. however, opposed the prayer for anticipatory bail of the petitioners.

Perused the records. It appears that the occurrence took place on 11.10.2019, but the informant lodged the case two days after the occurrence. Even after institution of the case, the FIR was sent to the court of ACJM after nine days.

Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks



from the date of receipt of the order, be enlarged 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 the learned C.J.M., Bettiah, West Champaran in connection with Lauriya P.S. Case No.169 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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