

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11934 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. NEK LAL SAH SON OF KAPLESHWAR SAH R/o village- Rampur Raut,
P.S.- Kusheshwarsthan, Distt.- Darbhanga
 2. KAPLESHWAR SAH SON OF SHIV NANDAN SAH R/o village- Rampur
Raut, P.S.- Kusheshwarsthan, Distt.- Darbhanga

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Suman Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 14-12-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379 & 504/34 of the Indian Penal Code.

While the informant was regressing to his home after purchasing vegetables from the market and when he



reached at Umar Khyam's house then F.I.R. named accused persons including these petitioners are said to have lased with farsa, dabiya and iron rod assaulted him sustaining injuries on his head and body.

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 ulterior motive. As a matter of fact, there is land dispute going on between the parties and the present case is a result of that land dispute. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of 29 hours in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner no.2, 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 lower Court where the case is pending/successor Court in connection with Kusheshwarthan P.S. Case No.93 of 2020,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

In the facts and circumstances of the case, as there is direct allegation against petitioner no.1 of assaulting the informant by means of 'Farsa' with intention to kill him, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of petitioner no.1 is hereby rejected.

(Anjani Kumar Sharan, J)

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