

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30583 of 2020

Arising Out of PS. Case No.-108 Year-2020 Thana- ITARHI District- Buxar

1. Lalu Mallah S/O Kanhaiya Mallah R/O Vill.- Atrauna, P.S. - Buxar (Ind.), Dist. - Buxar.
2. Teju Mallah S/O Kanhaiya Mallah R/O Vill.- Atrauna, P.S. - Buxar (Ind.), Dist. - Buxar.
3. Chinta Devi W/O Lalu Mallah R/O Vill.- Atrauna, P.S. - Buxar (Ind.), Dist. - Buxar. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Kamal Deo Sharma, Advocate
For the State	:	Mr. Aditya Narayan Singh no.1, APP
For the Informant	:	Mr. Arun Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-02-2021 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Itarhi P.S. Case no. 108 of 2020 registered under sections 341, 323, 307, 504, 379, 506 and 34 of the Indian Penal Code.

As per allegation in the FIR, petitioner nos. 1 and 2 are stated to have assaulted Dinesh Gupta while petitioner no. 3 is stated to have snatched the mangalsutra of the informant.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR has been exaggerated. For a minor altercation that took place on 11.5.2021, the FIR was registered without any reasonable explanation for the delay on 21.5.2021. It is further submitted that the injuries have been opined to be simple in nature. Further, referring to the material that has transpired in course of investigation it is submitted that even on the instructions of the doctor concerned, the so called injured refused to get their x-ray done. The petitioners have no



criminal antecedent.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the FIR but there is direct allegation against them of having assaulted the informant. It is submitted that the delay in lodging of the FIR was for the reason that the informant was getting himself treated in the hospital.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners together with the delay of 10 days in lodging of the FIR, the Court is inclined to enlarge the petitioners on anticipatory bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Itarhi P.S. Case no. 108 of 2020 they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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