

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18 of 2021

Arising Out of PS. Case No.-515 Year-2020 Thana- MAJHAULIA District- West Champaran

1. Lal Babu Sah Son of Basudeo Sah
2. Mukesh Sah Son of Basudeo Sah
3. Basudeo Sah Son of Late Budhan Sah @ Late Dwarika Sah All Resident of Village - Nautan Khurd (Kanu Tola), P.S. - Majhauria, District - West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.A.P.P

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 01-11-2021 Heard Sri Sanjeev Kumar Shrivastava, learned counsel for the petitioners, learned counsel for the informant, Sri Anant Kumar Mishra and learned APP Sri Bharat Bhushan for the State.

Petitioners seek anticipatory bail in Majhauria P.S. Case no. 515 of 2020 registered for the offence punishable under sections 279, 304A and 406/34 of the Indian Penal Code.

Learned counsel for the petitioners at the outset submits that petitioners are persons with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that occurrence is of 26.05.2020 and the present FIR has been instituted after a delay merely two months i.e. 18.07.2020.



Learned counsel for the petitioners further submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant himself admitted that Panchyati was held with respect to accident in which victim got injured and in the panchyati, it was decided that compensation of Rs 2 lac would be awarded to the informant by the petitioners but since compensation as agreed was not awarded then the present case came to be instituted after that. Learned counsel for the petitioners submits that no such accident had taken place or else informant presently would have instituted the FIR rather it was by way of after thought and in order to extort money, present FIR has been lodged.

Learned counsel for the informant is not in a position to rebut the submissions of learned counsel for the petitioners with respect to delay in lodging the FIR.

Learned APP opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, in the event of arrest/surrender within ten weeks from today, the petitioners are directed to be released on anticipatory bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, West Champaran in



Majhaulia P.S. Case no. 515 of 2020 subject to the condition
under section 438(2) Cr.P.C.

(Satyavrat Verma, J)

s.hassan/-

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