

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2083 of 2022

Arising Out of PS. Case No.-25 Year-2021 Thana- DAWATH District- Rohtas

1. Kamlesh Ram Son Of Late Mukhtar Ram Resident Of Village- Bodhadhi, P.S.- Dawath, District- Rohtas.
2. Sunil Ram Son Of Late Mukhtar Ram Resident Of Village- Bodhadhi, P.S.- Dawath, District- Rohtas.
3. Dhanjee Ram Son Of Late Wakil Ram Resident Of Village- Bodhadhi, P.S.- Dawath, District- Rohtas.
4. Tejan Ram Son Of Late Mukhtar Ram Resident Of Village- Bodhadhi, P.S.- Dawath, District- Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307/34 and other allied sections of the Indian Penal Code.

On the alleged date and time of the occurrence, all the FIR named accused persons including the petitioners were constructing hut on the land of the informant and when the same was objected, they assaulted her causing injuries.

Learned counsel appearing for the petitioners submits



that the injuries sustained by the informant have been found to be simple in nature. Parties are agnate and due to land dispute scuffle took place between them. There is general and omnibus allegation of assault against all the accused persons and no specific overt act has been alleged against the petitioners. There is case and counter case. It is further submitted that there is delay of 24 days in lodging of the FIR and there is no plausible explanation of delay. petitioners are innocent and have falsely been implicated in this case.

Considering the fact that there is delay in lodging of the FIR and no specific overt act has been alleged against the petitioners, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, be released 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 Additional Chief Judicial Magistrate III, Bikramganj, Rohtas in Dawath Police Station Case No. 25 of 2021, Rohtas, subject to the conditions laid down under sections 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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