

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3850 of 2022

Arising Out of PS. Case No.-39 Year-2021 Thana- MADHUBAN District- East Champaran

1. KRISHNA SINGH Son of Late Awadesh Singh Resident of Village- Moglaniya, P.S.- Madhuban, District- East Champaran.
2. Manoj Singh Son of Late Awadesh Singh Resident of Village- Moglaniya, P.S.- Madhuban, District- East Champaran.
3. Ramchandra Singh Son of Shankar Singh Resident of Village- Moglaniya, P.S.- Madhuban, District- East Champaran.
4. Navin Kumar @ Navin Kumar Singh Son of Nand Kishore Singh @ Nand Kumar Singh Resident of Village- Moglaniya, P.S.- Madhuban, District- East Champaran.
5. Ajay Singh @ Ajay Kumar Singh Son of Ragho Singh Resident of Village- Moglaniya, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 326, 379, 504, 506 of the Indian Penal



Code.

The allegation against the petitioners is that they along with other accused persons have indiscriminately assaulted the informant and his nephew by means of various deadly weapons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that the alleged occurrence took place on 02.02.2021 but the fardbeyan of the informant has been recorded on 08.02.2021 and the FIR has been instituted on 10.02.2021 i.e. after a delay of eight days, without assigning any plausible explanation. It creates doubt about the prosecution case. Petitioners have criminal antecedents, as mentioned in para-3 of this application and similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 11.07.2022 passed in Cr. Misc. No.57454 of 2021.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case,



since similarly situated co-accused have been enlarged on bail, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Madhuban P.S. Case No.39 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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