

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7949 of 2022

Arising Out of PS. Case No.-282 Year-2021 Thana- BANIAPUR District- Saran

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ARJUN KUMAR SAH @ ARJUN KUMAR Son of Late jamadar Sah
Resident of Village - Harpur Dakshin Tola, P.S. - Baniyapur, District - Saran
(Chapra).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove
the defects within four 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 petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 147, 341, 323, 324,
307, 379, 504 of the Indian Penal Code.

The allegation against the petitioner is that he along with
other accused persons have indiscriminately assaulted the
informant's son.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties. Both sides are agnates and there is an admitted land dispute between them. The injuries are simple in nature. The alleged occurrence is said to have taken place on 28.07.2021 and F.I.R. has been lodged on 01.08.2021 i.e. after a delay of five days and no plausible explanation has been given. Such a delay in lodging the FIR, creates a doubt about the prosecution case. Petitioner has no criminal antecedent.

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

Having regard to the facts and circumstances of the case, considering the delay in lodging the F.I.R., let the above named petitioner, 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 court below
where the case is pending/Successor Court in connection with
Baniyapur P.S. Case No.282 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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