

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8808 of 2022

Arising Out of PS. Case No.-456 Year-2021 Thana- GANDHIMAIDAN District- Patna

1. RAJNEESH KUMAR Son of Ayodhya Prasad @ Ayodhya Singh Resident of Village - Khorampur, P.S. Islampur, District - Nalanda, (Bihar).
2. Rajneesh Kumar @ Shibu Son of Ashok Kumar Resident of Village - Khorampur, P.S. Islampur, District - Nalanda, (Bihar).
3. Pankaj Kumar Son of Ajay Paswan Resident of Village - Khorampur, P.S. Islampur, District - Nalanda, (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kr. Arya, Adv
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2022 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners 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 petitioners apprehend their arrest in a case registered for the offence punishable under section 363/365/367 of the Indian Penal Code.

Allegedly, the petitioners forcefully took the informant in a scorpio car and took him to Gareriya Bigha. It is further



alleged that some persons took him out of the scorio and assaulted him by lathi-danda.

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 at the instance of their enemies. 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. The incident took place on 18.08.2021 and the F.I.R. was lodged on 13.09.2021 i.e. after a delay of 25 days, without giving any plausible explanation regarding the delay which creates serious doubt on the prosecution case. Petitioners have no criminal antecedent, which is also mentioned in para-3 of the bail application.

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

Having regard to the facts and circumstances of the case, since there is a delay in lodging the F.I.R., 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 Gandhimaidan
P.S. Case No. 456 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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