

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10230 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- MANSI District- Khagaria

1. SANTOSH SAH S/O LATE JAGDISH SAH RESIDENT OF FANGO, P.S.- MANSI, DISTRICT- KHAGARIA
2. SANJAY SAH S/O LATE JAGDISH SAH RESIDENT OF FANGO, P.S.- MANSI, DISTRICT- KHAGARIA
3. DEVNARAYAN SAH @ MANTU SAH S/O LATE HARIHAR SAH RESIDENT OF FANGO, P.S.- MANSI, DISTRICT- KHAGARIA
4. BIJENDRA SAH S/O TALI SAH RESIDENT OF FANGO, P.S.- MANSI, DISTRICT- KHAGARIA
5. MITTHU KUMAR @ BITTU KUMAR S/O DHRUBDEV SAH RESIDENT OF FANGO, P.S.- MANSI, DISTRICT- KHAGARIA
6. CHUNCHUN KUMAR @ CHUNCHUN SAH S/O DHRUBDEV SAH RESIDENT OF FANGO, P.S.- MANSI, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 379, 307, 504, 506 and 34 of the Indian Penal Code.

The informant alleges that on 07.06.2021 at 9:30 pm, petitioners along with Dhruvdev Sah came to his house and Santosh assaulted informant by *farsa* on head and Mithu



assaulted by *lathi* causing injury on head and nose, further Sanjay took chain, ring and watch along with Rs. 25,000 from his brother. It is further alleged that the police was informed on 07.06.2021 at 12:30 am but police sent him to hospital and thereafter F.I.R. was instituted.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and from perusal of the allegations as alleged in the F.I.R. it would manifest that allegation of assault is specific against Santosh and Mithu, it is next submitted that on perusal of Annexure-3 it would manifest that the injuries suffered by the injured is simple in nature, it is also submitted that the occurrence took place on 07.06.2021 and the F.I.R. came to be instituted on 11.06.2021 i.e., after a delay of four days. Learned counsel further submits that if what has been alleged in the F.I.R. is true then police would have definitely recorded the *fardbeyan* of the informant in the hospital, it is also submitted that from tenor of the allegation it also appears that neither the police went to record the *fardbeyan* of the informant nor the hospital informed the police that injured have been admitted in the hospital this amply demonstrates that by way of afterthought the present F.I.R. came to be instituted.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Mansi P.S. Case No. 170 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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