

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13257 of 2022

Arising Out of PS. Case No.-388 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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ABHISHEK RAI son of Late Ashok Rai Resident of Village - Siswa
Bhumihar, Police Station - Yogapatti, District - West Champaran, Present
Address Resident of Station Road, Police Station Bettiah Town, District -
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-09-2022 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 384, 307, 504, 506 and 34 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that
the petitioner has antecedent of five cases and the informant
alleges that on 21.06.2021 at about 1:30 PM, while he was
sitting in his office when five named accused persons along with
two unknown accused came and assaulted him on account of not
passing a tender in their favour, it is next alleged that on orders
of Alok Kumar, Manish Tiwari open fired on the informant but
missed, thereafter Atul and Subham assaulted the informant and



caught his legs and hands and Alok Kumar inflicted a knife wound on the back of the informant's right chest and when people started gathering the accused fled away.

Learned senior counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that petitioner was not present at the place of occurrence and he has been robbed as an accused in the present case on the allegation that one of the accused persons, who were present at the place of occurrence, had said that the informant is facing consequences for not listening to the petitioner, the learned senior counsel next submits that there is a delay of five days in instituting the FIR which creates doubt with regard to the veracity of the allegation, it is next submitted that if what has been alleged in the FIR is true i.e., the informant was inflicted with a knife wound then definitely he would have gone to the hospital for treatment but then from perusal of the fardbyan, it would manifest that the informant had given a written complaint to the S.H.O. of the concerned P.S., as such whether any injury was caused to him or not is also doubtful, it is also submitted that had the informant gone to any hospital with a stabbed wound then definitely the hospital would have informed the police, but then that is not the case in the present



case, the learned senior counsel next submits that no doubt petitioner has antecedent of five cases but then petitioner is a contractor and he has been implicated falsely and he is on bail in all the cases, it is also submitted that as far as the present case is concerned, the only allegation against him is that the occurrence was committed for not listening to the petitioner which is too vague.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bettiah Town P.S. Case No. 388 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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