

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37991 of 2021

Arising Out of PS. Case No.-402 Year-2020 Thana- BARAUNI District- Begusarai

1. KANHAIYA RAI @ KANHAIYA KUMAR RAI Son of Harinandan Rai
Resident of Village - Pipra Dewas, P.S. Barauni, Distt. - Begusarai.
2. JITENDRA RAI @ JITENDRA KUMAR RAI Son of Harinandan Rai
Resident of Village - Pipra Dewas, P.S. Barauni, Distt. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-02-2022 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

As prayed for, learned counsel for the petitioners is permitted to make necessary correction in the prayer portion of this application.

The petitioners apprehend their arrest in a case in connection with Barauni P.S. Case No.402 of 2020, registered for the offence punishable under Sections 147, 148, 149, 323, 341, 504, 354, 307, 379, 337 of the Indian Penal Code.



The prosecution case in short, is that all the accused persons armed variously, surrounded the informant and indiscriminately assaulted the her and her daughters.

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 due to the prevailing land dispute between the parties. No such occurrence, in the manner as alleged has ever taken place. The parties are agnates and there is an admitted land dispute between them. The injuries were found to be simple in nature. There is an inordinate delay of ten days in lodging the FIR as the occurrence took place on 09.10.2020 and the FIR was registered on 19.10.2020 and no plausible explanation for such delay has been given, which creates serious doubt about the prosecution case. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Petitioners have one criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering that there is a delay of ten days in lodging the FIR and both sides have sustained injuries in the scuffle, 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 Barauni P.S. Case No.402 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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