

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29779 of 2022

Arising Out of PS. Case No.-288 Year-2021 Thana- KUMAR KHAND District- Madhepura

1. LALAN THAKUR Son of Shankar Thakur Resident of Village - Bhairapura, Ward No.02, P.s.- Kumarkhand, Distt.- Madhepura.
2. Dip Narayan Thakur Son of Late Durga Thakur Resident of Village - Bhairapura, Ward No.02, P.s.- Kumarkhand, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2022 Heard the parties.

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 323, 341, 354, 325, 324, 307, 379, 504, 506, 34 of the IPC.

Allegedly, the petitioners along with other accused persons entered the house of the informant and assaulted them. It is further alleged that the accused persons looted articles and cash from the house of the informant.



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. 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. There is an admitted land dispute between the parties. There is a case and counter case between the parties. Earlier the petitioners had filed a case against the informant and later on the informant filed the present case against the petitioner. Though the injuries are grievous in nature but the occurrence took place on 10.10.2021 and the F.I.R. was lodged on 19.10.2021 i.e. after a delay of 9 days, without giving any plausible explanation regarding the delay which creates a serious doubt about the prosecution case. Petitioners have no criminal antecedent.

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

Having regard to the facts and circumstances of the case, 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 Kumarkhand P.S. Case No.288 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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