

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31681 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- ALAMNAGAR District- Madhepura

1. Vikram Kumar, Son Of Binod Mandal Resident Of Village - Aalamnagar Purwi P.S.- Aalamnagar, District - Madhepura.
2. Sada Kumar, Son Of Bano Mukhiya Resident Of Village - Aalamnagar Purwi P.S.- Aalamnagar, District - Madhepura.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Ms. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 307, 379, 504, 506/ 34 of the Indian Penal Code and later on, added Sections 325 and 307 of the I.P.C.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 13.02.2022 at about 7.30 P.M., when he was returning to his home after taking Rs.25,000/- from mobile shop of Shekhar Mandal and when he reached near the garden of Moti Babu, when six accused persons including the



petitioners came and started assaulting with lathi and danda. It is next alleged that Vikram Kumar threatened with firearm and other accused along with Sada Kumar threatened to kill him by putting sharp cutting weapon on informant's neck and snatched Rs.25,000/- and mobile set worth Rs.14,600/- from his pocket. Thereafter, all the accused persons assaulted with lathi and danda causing injury on his forehead and other part of the body.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that allegation of assault is general and omnibus in nature. No specific allegation of assault has been alleged against the petitioners. It is also submitted that there is a delay of six days in instituting the F.I.R. as the date of occurrence is 13.02.2022 and the F.I.R. came to be instituted on 19.02.2022. It is also submitted that the F.I.R. has been instituted based on an application submitted by the informant before the Officer-in-Charge of the concerned P. S. It is thus submitted that if what has been alleged by the petitioner is true and had he been assaulted, then definitely he would have been taken to the hospital from where his fard-bayan would have been recorded as the hospital would have informed the police, but the delay in instituting the F.I.R. creates doubt with regard to



the veracity of the allegation as alleged.

Learned A.P.P. opposes the bail application.

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, are directed to be released on bail on their furnishing bail-bonds in the sum 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 in connection with Aalamnagar P. S. Case No.34 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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