

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35005 of 2022

Arising Out of PS. Case No.-658 Year-2019 Thana- FORBESGANJ District- Araria

1. SURAJ SAH Son of Late Sankar Sah Resident of vill.- Kuber Tola Ward No.- 13 Rampur, P.S.- Forbesganj, District - Araria.
2. Raja Sah Son of Gopal Sah Resident of vill.- Kuber Tola Ward No.- 13 Rampur, P.S.- Forbesganj, District - Araria.
3. Suresh Sah Son of Gopal Sah Resident of vill.- Kuber Tola Ward No.- 13 Rampur, P.S.- Forbesganj, District - Araria.
4. Kumkum Sah Son of Suresh Sah Resident of vill.- Kuber Tola Ward No.- 13 Rampur, P.S.- Forbesganj, District - Araria.
5. Ramanand Sah Son of Mohan Lal Sah Resident of vill.- Kuber Tola Ward No.- 13 Rampur, P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh
For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner 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.

Learned counsel for the petitioner seeks permission to withdraw this application as against petitioner no.4 as he has been apprehended by the police during pendency of this



application.

Permission is granted.

Accordingly, the instant application as against petitioner no.4 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner no.1, 2, 3 and 5 only.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 447, 341, 323, 324, 307, 354B, 504/34 of IPC.

Allegedly, the petitioners assaulted the informant and his family members by means of deadly weapons due to which he sustained injuries.

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 no specific overt act against the petitioners. The injuries are simple in nature. He further submits that the occurrence took place on 05.07.2019 and the F.I.R. was lodged on 12.07.2019 i.e. after a delay of 7 days without giving any plausible explanation regarding the



same, which creates a serious doubt on the prosecution story.
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, since there is a delay in lodging the F.I.R., let the above named petitioner nos. 1, 2, 3 and 5 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 Forbesganj P.S. Case No.658 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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