

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36867 of 2022

Arising Out of PS. Case No.-990 Year-2021 Thana- TURKAULIYA District- East
Champaran

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1. BABULAL MUKHIA SON OF RAMPRIT MUKHIYA R/O VILLAGE-BATHANA, P.S.- BANJARIA, DISTRICT- EAST CHAMPARAN
 2. HARERAM MUKHIA SON OF BABULAL MUKHIA R/O VILLAGE-BATHANA, P.S.- BANJARIA, DISTRICT- EAST CHAMPARAN
 3. VIMAL MUKHIA SON OF BABULAL MUKHIA R/O VILLAGE-BATHANA, P.S.- BANJARIA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-09-2022 Heard learned counsel for the petitioners and learned APP
for the State.

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.

Learned counsel for the petitioners seek permission to withdraw this application as against petitioner no.3 as he has been apprehended by the police during pendency of this application.

Permission is granted.



Accordingly, the instant application as against petitioner no.3 is dismissed as withdrawn.

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

The petitioners apprehend their arrest in a case registered for the offence punishable under section 341, 323, 307, 379, 504, 506, 34 of IPC.

Allegedly, the petitioners along with other accused persons assaulted the informant by means of *garasi* with an intention to kill him.

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. The injuries are simple in nature. The occurrence took place on 22.11.2021 but the F.I.R. was lodged on 23.12.2021 i.e. after a delay of more than one month without giving any plausible explanation regarding the said delay, which creates a serious doubt on the prosecution case. Petitioners have one 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. and the injuries are simple in nature, let the above named petitioner nos. 1 and 2 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 Turkauliya Banjaria P.S. Case No.990 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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