

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51653 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- MAHESI District- East Champaran

1. RAMDAT THAKUR Son of Late Aasta Thakur Resident of Village - Kasawa Mehasi Chouk, P.S.- Mehsi, District - East Champaran.
2. Srikanti Devi Wife of Ramdat Thakur Resident of Village - Kasawa Mehasi Chouk, P.S.- Mehsi, District - East Champaran.
3. Mohit Kumar Son of Ramdat Thakur Resident of Village - Kasawa Mehasi Chouk, P.S.- Mehsi, District - East Champaran.
4. Rupak Kumar Son of Ramdat Thakur Resident of Village - Kasawa Mehasi Chouk, P.S.- Mehsi, District - East Champaran.
5. Raja Kumar @ Raja Babu Son of Ramdat Thakur Resident of Village - Kasawa Mehasi Chouk, P.S.- Mehsi, District - East Champaran.
6. Anjali Kumari Daughter of Ramdat Thakur Resident of Village - Kasawa Mehasi Chouk, P.S.- Mehsi, District - East Champaran.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan
For the Opposite Party/s	:	Mrs. Rina Sinha
For the Informant	:	Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 14-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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

The petitioners apprehend their arrest in a case



registered for the offences punishable under Sections 341, 323, 325 & 307/34 of the Indian Penal Code.

All the accused persons are said to have armed with lathi, danda and rod with an intention to kill the informant attacked on him due to which he sustained head injury. When the family members of the informant rushed in his rescue they also assaulted them. The reason behind the occurrence is said to be land dispute.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to land dispute. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. The injury sustained by the victim is simple in nature. There is inordinate and abnormal delay of four days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

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 lower Court where the case is pending/successor Court in connection with Mehshi P.S. Case No.23 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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