

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52465 of 2021

Arising Out of PS. Case No.-227 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. BIRENDRA KUMAR MAHTO @ BIRENDRA KUMAR PRASAD SON OF LATE VERMA PRASAD RESIDENT OF VILLAGE- CHACHOPALI, P.S.- G.B. NAGAR, DISTRICT- SIWAN.
 2. RAJENDRA PRASAD SON OF ASHARFI PRASAD RESIDENT OF VILLAGE- CHACHOPALI, P.S.- G.B. NAGAR, DISTRICT- SIWAN
 3. RAM KUMAR SON OF NAND KISHORE PRASAD RESIDENT OF VILLAGE- VANTAIL, POLICE STATION- SASAMUSA, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 447, 448, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner nos. 1 and 3 are persons with clean antecedent and petitioner no. 2 has antecedent of two cases and the informant alleges that on 23.08.2020 while he along with his wife and other family members were at his house when his relative



(petitioners) along with Geeta Devi and Lalita Devi came variously armed with *lathi-danda*, iron rod and petitioner no.1 assaulted Pooja (daughter of the informant) on her head causing injury and thereafter it is alleged that all the accused persons assaulted the informant and his wife, it is further alleged that petitioner no. 1 also snatched gold chain worth Rs. 15,000/- from the neck of the wife of the informant and Ram Kumar Prasad snatched Rs. 50,000/- from the pocket of the informant.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, petitioners are relatives as would be evident from the allegation as alleged in the F.I.R., admittedly a land dispute is there between the parties and wife of petitioner no.2, namely, Lalita Devi had instituted G.B. Nagar P.S. Case No. 226 of 2020 against the present informant and other accused persons on account of which the present false case came to be instituted as a counter blast, it is next submitted that from perusal of the F.I.R. it would manifest that the date of occurrence is 23.08.2020 and the F.I.R. has been lodged on 25.08.2020 i.e., after a delay of two days without any plausible explanation for the same. Learned counsel further submits that the delay in instituting the F.I.R. gave the informant an opportunity to falsely implicate the



petitioner in the present case. It is next submitted that the injuries found on the injured including Puja are simple in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection with G.B. Nagar P.S. Case No. 227 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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