

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48257 of 2022**

Arising Out of PS. Case No.-121 Year-2022 Thana- KUSHESHWARASTHAN District-  
Darbhanga

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1. Rajendra Rai S/o Gheena Rai Resident of Village- Tegachha, P.S.- Kusheshwar Asthan (Tilkeshwar O.P.) and District- Darbhanga.
  2. Raj Kapoor Rai S/o Rajendra Rai Resident of Village- Tegachha, P.S.- Kusheshwar Asthan (Tilkeshwar O.P.) and District- Darbhanga.
  3. Bhageshwar Rai @ Bhandari Rai @ Bhageshwar Kumar @ Bhageshwar Kumar Rai S/o Rajendra Rai Resident of Village- Tegachha, P.S.- Kusheshwar Asthan (Tilkeshwar O.P.) and District- Darbhanga.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party

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**Appearance:**

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate  
For the Opposite Party : Mr. Uma Shankar Prasad Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      06-12-2022      Heard the parties.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

The petitioners apprehend their arrest in a case registered for the offence punishable under sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

Allegedly, the petitioners armed with *farsa* and *rod* and with an intent to kill, assaulted the nephew of the informant resulting in serious injuries. It is further alleged that the petitioners took away a golden chain from the neck of the brother of the informant and one golden ornament from the neck



of the informant.

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. He further submits that the occurrence has taken place on 27.03.2022 and the F.I.R. was lodged on 04.04.2022 after delay of more than seven days. There is no explanation for the delay in filing of the F.I.R. which creates a serious doubt about the prosecution case. He further submits that all the injury are simple in nature. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have no criminal antecedent.

Learned APP for the State vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, as there is a delay of filing of F.I.R., on that ground, 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 court below where the case is pending/Successor Court in



connection with Kusheshwar Asthan (Tilkeshwar O.P.) P.S. Case  
No. 121 of 2022, subject to the conditions as laid down under  
Section 438(2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

Shahnawaz/-

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