

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49707 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- SABAUR District- Bhagalpur

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1. DILIP GOSWAMI S/O LATE JAGESHWAR GOSWAMI Resident of Village- Badi Makandpur, P.S.- Gopalpur, District- Bhagalpur
 2. WAKIL GOSWAMI @ WAKIL KUMAR GOSWAMI S/O LATE JAGESHWAR GOSWAMI Resident of Village- Badi Makandpur, P.S.- Gopalpur, District- Bhagalpur
 3. ASHOK GOSHWAMI @ ASHOK KUMAR S/O LATE JAGESHWAR GOSWAMI Resident of Village- Badi Makandpur, P.S.- Gopalpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

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

Petitioners apprehend their arrest in a case registered for offence punishable u/s 341, 323, 307, 364/34 of the IPC.

Allegedly, the accused petitioners kidnapped the informant and assaulted him. They forcefully took signature on Rs. 1000/- stamp paper and attempted to kill him by putting kerosene oil.



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 due to land dispute. No such occurrence, in the manner as alleged, has ever taken place. It is further submitted that it has been transpired in course of investigation that apart from this case other cases are also pending between the parties. In course of investigation a number of witnesses have been examined who have disbelieved the prosecution story and stated that out of inimical terms and with a view to implicate the petitioners, the present case is instituted. After thorough investigation, police submitted Final Report in favour of petitioner and others. From perusal of this final report, it is evident that the case has been investigated very scientifically and the tower location of mobile of informant was not found at the place of occurrence as alleged by the informant. The learned ACJM differing with final report submitted by the police has taken cognizance. It is further submitted that co-accused Ambrish Kumar @ Niraj Chaudhary who has specific allegation in the FIR has been granted anticipatory bail the Court of learned 3rd Additional Sessions Judge, Bhagalpur in anticipatory bail application no.1 of 2022 vide order dated 06.01.2022. Petitioner nos. 1 & 3 have no criminal antecedents



and petitioner no.2 has one criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the similarly situated co-accused has been granted anticipatory bail, 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 Sabaur P.S. Case No.24 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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