

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51221 of 2022

Arising Out of PS. Case No.-276 Year-2021 Thana- SABAUR District- Bhagalpur

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1. DILIP DAS @ DILIP HARIJAN S/O MAHADEV DAS Resident of village- Babupur, P.S.- Sabour, District- Bhagalpur.
 2. OM KUMAR S/O DILIP DAS @ DILIP HARIJAN Resident of village- Babupur, P.S.- Sabour, District- Bhagalpur.
 3. SHEKHAR KUMAR S/O DILIP DAS @ DILIP HARIJAN Resident of village- Babupur, P.S.- Sabour, District- Bhagalpur.
 4. VIJAY KUMAR S/O DILIP DAS @ DILIP HARIJAN Resident of village- Babupur, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, APP
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-10-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners, at the outset,
seeks permission to make rectification in paragraph '1' of the
anticipatory bail application.

Permission is accorded.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 354(B), 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the



petitioners are persons with clean antecedent, petitioner nos. 2, 3 and 4 are young boys, it is next submitted that the informant alleges that on 01.11.2021, the accused persons came to his house variously armed and started digging a ditch and when the same was objected by the informant, he was abused and pushed and thereafter Dilip Das assaulted him with *khanti* causing injury on his left ear on account of which he fell down and became unconscious and thereafter the accused persons assaulted him with *lathi* and when his wife came to rescue him, Vijay misbehaved with her and pulled her saree making her semi-naked, further when his son came, he was also assaulted by the accused persons.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and from perusal of the allegations as alleged in the FIR it would manifest that the dispute between the parties was with regard to digging of ditch as being alleged by the informant, it is next submitted that as far as allegation of misbehaving with the informant's wife is concerned, the same is ornamental in nature, it is also submitted that the petitioner no.1 is own brother of the informant, petitioner nos. 2 and 4 are his nephew and the petitioners are not criminals.



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 Sabour P.S. Case No. 276 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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