

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2630 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- DEEPNAGAR District- Nalanda

1. UDAY KUMAR S/O ASHOK PRASAD Resident of Village- Bandhu Bhigha, P.S.- Teusa, District- Gaya.
2. ASHOK PRASAD S/O LATE CHANDO MAHTO Resident of Village- Bandhu Bhigha, P.S.- Teusa, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binit Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-03-2023 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Deepnagar P.S. Case No.143 of 2022, registered for the offences punishable under Sections 341, 323, 324, 504 and 34 of the Indian Penal Code. Later on, Section 307 of the Indian Penal Code was added.

The petitioners are said to have assaulted the informant by means of *lathi*, *danda* and bricks causing injuries to him.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Petitioners have got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that the



occurrence took place on 02.04.2022, but the FIR was lodged on 04.04.2022 after delay of two days without giving any explanation which creates a serious doubt on the veracity of the prosecution case. It is submitted that there is general and omnibus allegation against the petitioners. It is also submitted that there is case and counter case between the parties and both sides sustained injuries.

The learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioners.

Taking into consideration the delay in lodging the FIR and the fact that no specific allegation is made against the petitioners, let 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 enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda at Biharsharif in connection with Deepnagar P.S. Case No.143 of 2022, subject to the conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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