

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8580 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- ATRI District- Gaya

1. Raj Nandan Yadav @ Rajnandan Prasad Son Of Late Prameshwar Yadav @ Prameshwar Singh R/V- Pathri Tola- Jhari Bigha, P.S.- Atri, District- Gaya
2. Kanti Devi Wife Of Raj Nandan Yadav @ Rajnandan Prasad R/V- Pathri Tola- Jhari Bigha, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioners and learned

APP for the State assisted by learned counsel for the informant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, the accused persons armed with lathi-danda came and started abusing. On protest, the accused persons assaulting the informant. It is further alleged that the accused persons also assaulted the wife of the informant and snatched her earrings and golden locket.

Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus



in nature. He submits that the petitioners and the informant are agnates. He further submits that there is inordinate delay in institution of the FIR as the alleged occurrence took place on 01.07.2022 but the present case is instituted on 19.07.2022, after delay of 18 days, and there is no explanation of delay in filing the present case, which creates serious doubt on the prosecution case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed prayer for anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is delay of 18 days in lodging the FIR, let the above named petitioners, be released on bail, in the event of his 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) 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 Atri P.S. Case No. 280 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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