

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12711 of 2023

Arising Out of PS. Case No.-248 Year-2020 Thana- RAMGARHWA District- East
Champaran

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1. SK. JAFAR @ JAFAR @ SHEIKH JAFFAR Son of Shekh Jakir Hussain R/v- Chadhwa, P.S.- Ramgarhwa, District- East Champaran
 2. JUBER @ SK. JUBAIR @ JOBAIR AKHATAR Son of Shekh Jakir Hussain R/v- Chadhwa, P.S.- Ramgarhwa, District- East Champaran
 3. MD. SABIR HUSSAIN @ SK. SABIR HUSSAIN @ SABIR HUSSAIN Son of Shekh Jakir Hussain R/v- Chadhwa, P.S.- Ramgarhwa, District- East Champaran
 4. SK. OJAIR @ OJAIR @ OJAIR AHAMAD Son of Shekh Jakir Hussain R/v- Chadhwa, P.S.- Ramgarhwa, District- East Champaran
 5. JAFRUN NESHA @ SARFUN NESHA Son of Shekh Jakir Hussain R/v- Chadhwa, P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Adv.
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 341, 323, 324, 307, 354(B), 380 and 504 of the IPC.

As per the prosecution case, petitioners are said to have assaulted the informant and his family.

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. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that there is an inordinate delay of 22 days in lodging the F.I.R., as the alleged date of occurrence is 18.08.2020 but the F.I.R. has been lodged on 09.09.2020 without giving any plausible explanation, which itself creates doubt about the prosecution case. It is further submitted that the specific allegation is against the petitioner nos.2 and 4 to have assaulted the informant and his family but the injury was found simple in nature. Petitioners have no criminal antecedent.

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

Having regard to the facts and circumstances of the case, since the injuries are simple in nature and considering the delay in lodging the F.I.R., 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 Ramgarhwa P.S.
Case No.248 of 2020, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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