

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21653 of 2023

Arising Out of PS. Case No.-488 Year-2022 Thana- MADHUBAN District- East Champaran

1. SUNIL RAI @ SUNIL KUMAR ROY @ SUNIL KUMAR SON OF ANANDI RAY RESIDENT OF VILLAGE -HARINARAYANPUR, PS- MADHUBAN, DISTT- EAST CHAMPARAN
2. MURARI RAY @ MURARI KUMAR SON OF ANANDI RAY RESIDENT OF VILLAGE -HARINARAYANPUR, PS- MADHUBAN, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 354(B) 337, 447, 504 and 34 of the Indian Penal Code.

The informant alleges that the accused persons including the petitioners came variously armed and started abusing the informant, further with a view to grab the land the petitioner nos. 1 and 2 assaulted the informant with brick causing injury on his nostril thereafter on orders of Anandi Rai all the accused assaulted the informant with lathi, danda and



brick and Sunaina Devi pressed the private parts of the informant with her leg.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that the present false case came to be instituted on account of dispute related to land, it is further submitted that the date of occurrence is 04.11.2022 and FIR was instituted on 17.11.2022 without any plausible explanation. The learned counsel next submits that no doubt in the impugned order it has been recorded that the injury suffered by the informant is grievous but then in the nature of allegation as alleged, it does not appear probable that the informant would have suffered a grievous injury for the reason that if the injury would have been grievous then definitely the police would have been informed by the hospital authority when the informant was admitted and the fact that the FIR came to be instituted after a delay of more than thirteen days that in itself also creates an aspersion on the case of the prosecution.

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 trial court 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 trial court where the case is pending/successor court in connection with Madhuban P.S. Case No. 488 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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