

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23822 of 2023

Arising Out of PS. Case No.-178 Year-2022 Thana- PHULWARIA District- Begusarai

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ARUN DAS @ ARUN KUMAR SON OF RAM DAS RESIDENT OF
VILLAGE- BARO, KADIRCHAK, PS- PHULWARIYA, DISTT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s	:	Dr. Indihar Kumari, APP
For the Informant	:	Mr. Braj Bhushan Poddar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel for the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that Arun assaulted by an iron rod causing injury on head of the informant, thereafter, Arjun took out money from his pocket and Ajay entered the house and committed theft thereafter the informant was brought to the hospital.
4. Learned counsel for the petitioner next submits that



the petitioner has been falsely implicated in the present case, it is next submitted that the informant and the petitioner are own brothers, as such the petitioner is nephew of the informant. It is further submitted that the informant has not disclosed the relationship in the F.I.R, which casts an aspersion on the case of the prosecution. It is also submitted that the date of occurrence is 26.10.2022 and the F.I.R. was instituted on 01.11.2022 i.e. after a delay of nearly 5 days which further casts an aspersion on the case of the prosecution. It is next submitted that if what has been alleged in the F.I.R is true, then definitely the *Fardbayan* of the informant would have been recorded in the hospital, but then the present F.I.R. came to be instituted based on a written application of the informant. It is next submitted that there is a land dispute between the parties.

5. Learned A.P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner, but are not in a position to rebut the submissions made by the learned counsel for the petitioner that there is a delay of nearly five days in instituting the F.I.R.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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) 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 Phulwaria P.S. Case No. 178 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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