

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32300 of 2023

Arising Out of PS. Case No.-224 Year-2022 Thana- RAMGARHWA District- East
Champaran

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RAJU KALWAR Son of Pramod Prasad @ Pramod Kumar Resident of
village - Bherihari, P.S. - Ramagarhwa, Distt. - East Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

1. The petitioner is apprehending his arrest in connection with Ramgarhwa P.S. Case No. 224 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 450, 379 and 504/34 of the Indian Penal Code.

2. As per prosecution case, co-accused Kamta Yadav alongwith two associates came to the house of the informant and assaulted the informant with lathi on her head. It is further alleged that accused persons also stabbed knife on the daughter of informant as a result of which informant's daughter sustained injury. Thereafter, co-accused Kamta Yadav took away the box containing ornament from the house of the informant.



3. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. and his name has been transpired upon the confessional statement of co-accused Kamta Yadav. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that there is inordinate delay in lodging the F.I.R. as F.I.R. has been lodged after two days from the date of occurrence. He further submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent.

4. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at



Motihari in connection with Ramagarhwa P.S. Case No. 224 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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