

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33336 of 2023

Arising Out of PS. Case No.-133 Year-2019 Thana- JAGDISHPUR District- Bhojpur

1. Ashok Singh S/o- Late Bhuneshwar Singh, Resident of Village- Hridaypur English P.S.- Jagdishpur Dist- Bhojpur
2. Phul Devi @ Phul Kumari Devi, Wife of Anil Singh, Resident of Village- Hridaypur English P.S.- Jagdishpur Dist- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Harsh Singh, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Raju Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel for the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Jagdishpur P.S. Case No. 133 of 2019, registered on 23.04.2019 for the offences under Sections 141, 341, 323, 307, 379 and 504 of the Indian Penal Code.

3. As per prosecution case, co-accused entered into some altercation with the informant and later on, co-accused persons along with the petitioners assaulted the informant with



lathi and rod. When the brother-in-law of the informant tried to save him, co-accused hit him with iron rod. Another co-accused took away Rs.18,000/- from the pocket of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. No occurrence as alleged has ever taken place. The FIR has been lodged after delay of 7 days and explanation given for the delay is not satisfactory as the brother-in-law of the informant was examined on the same day and only one injury was found on the person of the brother-in-law of the informant. It is also not believable that five persons assaulted the informant and his brother-in-law, there is no injury available for the informant and his brother-in-law received single injury. Moreover, co-accused Anil Singh, who is said to have assaulted the brother-in-law of the informant, was arrested and enlarged on regular bail. The informant in a deliberate and intentional manner roped the whole family of the co-accused. Learned counsel further submits that the anticipatory bail petition of the petitioners was rejected by learned Additional Sessions Judge-IXth, Bhojpur, Ara on 11.12.2019 and thereafter, due to intervention of COVID-19 and lockdown as there was no apprehension of arrest, the petitioners could not move before



this Court and when the petitioners have apprehension of arrest they filed the present anticipatory bail application before this Court.

5. Learned APP and learned counsel for the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the petitioners are threatening the informant to compromise the case.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injury report of informant and that the injury on the person of the brother-in-law of the informant was caused by co-accused, who has been released on bail and further considering the possibility of false implication, let the petitioners above named in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Bhojpur at Ara/concerned court in connection with Jagdishpur P.S. Case No. 133 of 2019, subject to the condition as laid down under Section 438(2) of the Code



of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative
of the petitioners.

(ii) The petitioners will remain present on
each and every date fixed by the court below,
if so required by the learned trial court.

(Arun Kumar Jha, J)

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