

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36684 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- BIBHUTIPUR District- Samastipur

1. KISAN KUMAR @ KISHAN KUMAR @ KISAN SAHNI Son of Ashok Sahni Resident of village - Bibhutipur, Patailiya, Ward no. 4, P.S. - Bibhutipur, Distt. - Samastipur
2. Sundar Kumar Son of Ashok Sahni Resident of village - Bibhutipur, Patailiya, Ward no. 4, P.S. - Bibhutipur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-08-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 354(b), 307, 448 and 379 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, all the accused persons including the petitioners are said to have assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that the occurrence took place on 05.06.2022 but the F.I.R. lodged on 09.06.2022. He submits that



there is delay of four days in filing of the present F.I.R. and there is no any explanation of it which creates serious doubt about prosecution case. He further submits that there is general and omnibus allegation against the petitioners. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the injuries found upon the victims are grievous in nature. Hence, they do not deserve anticipatory bail.

6. Considering the nature of the injuries, I am not inclined to enlarge the petitioners on bail in connection with Bibhutipur P.S. Case No. 234 of 2022. Accordingly, their prayer for anticipatory bail is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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