

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38829 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- BAJPATTI District- Sitamarhi

SUJIT KUMAR Son of Jaggu Mahto Resident of village - Ratanpur ward no. 6, (Dhadhi Keshopur) P.S. - Bajpatti, Distt. - Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39573 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- BAJPATTI District- Sitamarhi

DINESH RAM SON OF MAHENDRA RAM RATANPUR DADHI KESHOPUR WARD NO 6, PS- BAJPATTI, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38829 of 2023)

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Rajesh Kumar

Ms. Smiti Bharti

(In CRIMINAL MISCELLANEOUS No. 39573 of 2023)

For the Petitioner/s : Mr. Dwij Raj

For the Opposite Party/s : Mr. Kalyan Shankar

Ms. Smiti Bharti

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-09-2023 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard the parties.

3. The petitioners apprehends their arrest in a case



registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

4. Allegedly, the petitioners are said to have killed the son of the informant.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. He submits that occurrence took place on 10.07.2022 and the FIR was lodged on 29.08.2022 i.e. after a delay of more than 40 days, which creates a serious doubt over the genuineness of the prosecution story. He submits that petitioners of Cr. Misc. No.38829 of 2023 are not named in the FIR, their names transpired in the present case during the course of investigation. He further submits that though the petitioner in Cr. Misc. No.39573 of 2023 is named in the FIR but it has come in the para-7 of the case diary that the petitioner is blind. Petitioners have no criminal antecedent.

6. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.



7. Having regard to the facts and circumstances of the case as there is a delay in lodging the FIR, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bajpatti P.S. Case No.263 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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