

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41014 of 2023

Arising Out of PS. Case No.-573 Year-2021 Thana- DARIYAPUR District- Saran

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Rohit Kumar Rai @ Rohit Kumar Ray @ Rohit Rai Son Of Dinesh Rai
Resident Of Village-Bhusi Tola, P.O.-Bela, P.S.-Dariyapur, District-Saran At
Chapra (Bihar). Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-07-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 3 accused persons. The allegation in the FIR, against all the 3 accused persons, is general and omnibus that they assaulted the informant with rod and snatched cash, chain and watches.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. The petitioner's and the informant's sides are well known to each other and they are the resident of villages situated in Post – Bela, P.S. - Dariyapur, Saran at Chapra. Counsel submits that this case is a concocted case, as in the FIR the time and date of

occurrence have been shown at 4pm and 20.11.2021, whereas, the FIR has been lodged on the said date at about 4.20pm (16.20pm) itself. In support of his contention counsel submits that the accused Sanahi Shah filed a criminal complaint case bearing Complaint Case no. 3089 of 2021 against the informant and others, which is Annexure-2. Counsel submits that the said Sanahi Shah has already been granted anticipatory bail by the Session Court, Saran at Chapra.

5. Learned APP for the State opposes the prayer for bail and submits that there is discrepancy in the time of occurrence of offence and in the time of lodging of the FIR.

5. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond to the satisfaction of the learned Additional Chief Judicial Magistrate, XIIIth Class, Saran at Chapra, in connection with Dariyapur P. S. Case No.573 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

Ashishsingh/-

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