

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45192 of 2023**

Arising Out of PS. Case No.-454 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

1. Raju Yadav Son Of Ramvichar Yadave @ Ram Vidya Yadav, Resident Of Village -RAMGARHWA, P.S.- Kuchaikot, Distt.- Gopalganj
2. Birbal Yadav Son Of Late Ramayan Yadav, Resident Of Village -RAMGARHWA, P.S.- Kuchaikot, Distt- Gopalganj
3. Balister Yadav Son Of Late Satya Narain Yadav, Resident Of Village -RAMGARHWA, P.S.- Kuchaikot, Distt- Gopalganj
4. Rajan Yadav Son Of Birbal Yadav, Resident Of Village -Ramgarhwa, P.S.- Kuchaikot, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 04-08-2023 Heard learned Counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Kuchaikot P.S. Case No. 454 of 2022 registered on 15.10.2022 for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. According to the prosecution, the informant has prepared the F.I.R. on 13.07.2022 against 8 named accused persons that on 12.07.2022 at about 2.15 p.m. 8 named accused persons surrounded the informant and started abusing. Upon request not to abuse, they started assaulting him. Allegation against petitioner no.1 that he has assaulted by *farsa* on the head of the informant, allegation against petitioner no.2 that he has

assaulted the nephew of the informant, allegation against the petitioner no.3 that he has order giver and allegation against petitioner no.4 that he has snatched golden chain.

4. Learned counsel for the petitioners submits that upon minute reading of the F.I.R. itself transpires that date of occurrence is on 12.07.2022, fardbeyan has prepared on 13.07.2022 and the said fardbeyan has been produced before the police on 15.10.2022 i.e. delay of about more than 3 months. Counsel further submits that for the said date and place of occurrence the petitioners' side have visited to the police station but police is in connivance with the informant, not lodged F.I.R., thereafter, they have sent to complaint to the Superintendent of Police and DGP through email but no action taken place. Thereafter, the petitioners' side have filed a complaint which was referred for lodging F.I.R. under Section 156 (3) of Cr.P.C. and the said F.I.R. has been lodged on 15.10.2022 wherein Kuchaikot P.S. Case No. 455 of 2022.

5. Counsel further submits that the biasness of the police in this case transpires that as soon as the police has received direction under Section 156(3) of Cr.P.C. to lodge F.I.R. for the petitioners' side. Instead of filing the petitioners' case, the police has lodged the F.I.R. of the informant three

months later without explaining any reason. Counsel further submits that there are two criminal cases pending against the petitioner no.1 and rest three petitioners are accused in one case and all petitioners are on bail in all the cases.

6. Learned APP for the State opposes the prayer for bail.

7. Learned counsel for the informant submits that there is specific allegation of assault against petitioner no.1 by *farsa* but he has not explained about delay for filing the F.I.R.

8. In the aforesaid facts and circumstances and the submissions made above, let the above-named petitioners be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Kuchaikot P.S. Case No. 454 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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