

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55987 of 2022

Arising Out of PS. Case No.-212 Year-2022 Thana- PARSABAZAR District- Patna

1. Deepak Kumar Vishwakarma S/o Uday Vishwakarma R/o village-Nisarpura, P.S.- Parsa Bazar, District- Patna
2. Satish Singh S/o Bramanand Singh R/o village- Palanga, P.S.- Parsa Bazar, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-01-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 342, 323, 302, 34 of the Indian Penal Code.

The allegation against the petitioners is that they alongwith other accused persons assaulted the husband of the informant by means of lathi, danda etc causing his death.

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 petitioners, the



informant is not the eye witness of the occurrence. There is an inordinate delay of 16 days in lodging the FIR and there is no plausible explanation of the said delay which creates doubt over the prosecution case. He further submits that several similarly situated co-accused persons have been granted by co-ordinate bench of this Court vide order dated 22.12.2022 passed in Cr. Misc. No.54662 of 2022 and vide order dated 22.12.2022 passed in Cr. Misc. No.54444 of 2022. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, 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 Parsa Bazar P.S. Case No.212 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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