

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70154 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- BUDHUCHAK District- Bhagalpur

1. KAMAL TANTI @ KAMMAL TANTI @ KAWAL TANTI S/o Late Shikari Tanti R/v- Kishandaspur, P.S.- Budhuchak, District- Bhagalpur
2. SHIV PUJAN KUMAR @ SHIVPUJAN KUMAR @FATHING @ FATIG @ SHIV PUJAN KUMAR TANTI KAMAL TANTI @ KAMMAL TANTI @ KAWAL TANTI R/v- Kishandaspur, P.S.- Budhuchak, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tarun Prasad Mandal, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-01-2023 Heard the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 149, 452, 323, 354B, 363, 380, 302, 201, 457, 504, 506 IPC and section 8 of POCSO Act.

Allegedly, petitioner no.1 ordered to evict family members and Rohit from the house of informant upon which petitioner no.2 assaulted the daughter-in-law of the informant.

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 leveled against the petitioners is not specific rather



general and omnibus in nature. It is further submitted that the occurrence took place on 20.05.2022 but the complaint was lodged after delay of about 24 days on 13.06.2022 upon which FIR was lodged on 05.07.2022. This delay in lodging the F.I.R. itself creates doubt about the prosecution case. Petitioners have no criminal antecedent and similarly situated several co-accused persons have been enlarged on anticipatory bail vide order dated 03.01.2023 passed in Cr. Misc. No.58460 of 2022.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since similarly situated co-accused persons have been granted bail, 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 Budhuchak P.S. Case No.38 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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