

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67147 of 2022

Arising Out of PS. Case No.-868 Year-2021 Thana- ARARIA District- Araria

1. BHOLA BAHARDAR SON OF LATE RAMLAL BAHARDAR R/O VILLAGE- NAYA NAGAR, GORHI TOLA, WARD NO.09, P.S.- ARARIA, DISTRICT- ARARIA
2. ARVIND KUMAR SON OF BHOLA BAHARDAR R/O VILLAGE- NAYA NAGAR, GORHI TOLA, WARD NO.09, P.S.- ARARIA, DISTRICT- ARARIA
3. SONU KUMAR SON OF BHOLA BAHARDAR R/O VILLAGE- NAYA NAGAR, GORHI TOLA, WARD NO.09, P.S.- ARARIA, DISTRICT- ARARIA
4. BABUL BAHARDAR @ BABUL KUMAR SON OF BHOLA BAHARDAR R/O VILLAGE- NAYA NAGAR, GORHI TOLA, WARD NO.09, P.S.- ARARIA, DISTRICT- ARARIA
5. PRINCE BAHARDAR @ UDAY KUMAR SINGH @ PINTOS BAHARDAR SON OF BUDHLAL SINGH R/O VILLAGE- SHAHPUR, HIMMATNAGAR, P.S.- KOCHADHAMAN, DISTRICT- KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 457, 380, 436, 34 of the Indian Penal Code.

Allegedly, all the accused petitioners committed theft of jewelries as well as cash of Rs. 50,000/- from the house of



informant. Thereafter, they all put his house on fire.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. They have been falsely implicated in this case due to enmity and village politics. There is dispute over road between the parties. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The whole prosecution story is false, fabricated and concocted. There is inordinate and abnormal delay of five days in filing the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is delay in filing of 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
Araria P.S. Case No. 868 of 2021, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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