

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67149 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- KESARIA District- East Champaran

1. VIVEK RAJ SON OF LATE AJAY PRASAD SINGH R/O VILLAGE-SISWA, PATNA, P.S.- KESARIYA, DISTRICT- PATNA
2. SETU KUMAR SON OF UMESH SINGH R/O VILLAGE- HAJIPUR, P.S.- KESARIYA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.
For the Opposite Party/s : Mr.Lalan Kumar, 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 182 and 211 of the Indian Penal Code.

Allegedly, the petitioners are said to have kept two cartridges in the dicky of the motorcycle, which was standing at the place of occurrence.

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 high handedness of the police. There is inordinate and abnormal delay of three and a



half months in filing the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. It is further submitted that the mother of the petitioner no.1 lodged an FIR against eight accused persons regarding land dispute. Petitioners have one 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 Kesariya P.S. Case No. 122 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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