

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71128 of 2022

Arising Out of PS. Case No.-133 Year-2020 Thana- BHAGWANPUR District- Vaishali

1. Geeta Devi Wife Of Suresh Rai Resident Of Village- Rahsa West, P.S.- Bhagwanpur, District- Vaishali
2. Suresh Rai Son Of Late Khameer Rai Resident Of Village- Rahsa West, P.S.- Bhagwanpur, District- Vaishali
3. Baidyanath Rai Son Of Late Khameer Rai Resident Of Village- Rahsa West, P.S.- Bhagwanpur, District- Vaishali
4. Sudhir Kumar Son Of Baidyanath Rai Resident Of Village- Rahsa West, P.S.- Bhagwanpur, District- Vaishali
5. Krishna Kumar Son Of Baidyanath Rai Resident Of Village- Rahsa West, P.S.- Bhagwanpur, District- Vaishali
6. Chandan Kumar Son Of Suresh Rai Resident Of Village- Rahsa West, P.S.- Bhagwanpur, District- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pranav Kumar, Advocate Mr. Rajeev Ranjan No.II, Advocate Mrs.Anjana Gupta, Advocate
For the Opposite Party/s :		Mr.Sunil Kumar Pandey, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307/379 and other allied sections of the Indian Penal Code and section 27 of the Arms Act.

Prosecution's case in short is that while the informant was constructing toilet on her land, all the accused persons



including the petitioners reached there, abused and assaulted her. They made firing and committed theft of her box containing Rs.50,000/- and gold chain.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. As a matter of fact, informant and her husband tried to construct toilet in the ancestral land of the petitioners and on protest they assaulted the petitioners side for which petitioner no.1 lodged Bhagwanpur Police Station Case No. 137 of 2020 against the informant and her family members. There is admittedly land dispute between the parties. It is further submitted that there is delay of seven days in lodging of the FIR and there is no plausible explanation of delay which itself creates doubt over the prosecution case.

Considering the nature of allegation against the petitioners, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate I, Vaishali at Hajipur in Bnhagwanpur Police Station Case No. 133 of 2020, subject to the conditions laid down under sections 438(2) of the Code of



Criminal Procedure.

(Prabhat Kumar Singh, J)

shashi/-

U		T	
---	--	---	--

