

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75050 of 2023

Arising Out of PS. Case No.-64 Year-2023 Thana- PHULPARAS District- Madhubani

1. Ram Babu Thakur S/O- Late Mishri Lal Thakur Village- Chotaki Sangi W.No-9, Ps- Phulparas Dist- Madhubani
2. Indal Kumar Thakur @ Indal Kumar Son Of Ram Babu Thakur Village- Chotaki Sangi W.No-9, Ps- Phulparas Dist- Madhubani
3. Kunti Devi Wife Of Ram Babu Thakur Village- Chotaki Sangi W.No-9, Ps- Phulparas Dist- Madhubani
4. Shila Devi Wife Of Shiv Nath Thakur Village- Chotaki Sangi W.No-9, Ps- Phulparas Dist- Madhubani
5. Devendra Thakur @ Devendra Kumar Son Of Shiv Nath Thakur Village- Chotaki Sangi W.No-9, Ps- Phulparas Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 448, 341, 323, 379, 435, 504, 506 and 34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioners along with 4-5 unknown person entered into the house of the informant and looted ornaments, clothes, foodgrains and shop articles. Further it has been alleged that the accused persons set the costly wood



and some documents on fire.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that petitioners and informant are the agnates. He submits that the occurrence took place on 21.01.2023 but the FIR lodged on 06.02.2023 after delay of about sixteen days. He further submits that there is no any explanation for the delay in filing of the present FIR which creates a serious doubt about prosecution case. He submits that earlier the petitioner, namely, Ram Babu Thakur had filed a case against the informant regarding the kidnap of his daughter thereafter the present case has been filed by the informant. He further submits that petitioner nos.2 & 4 have got no criminal antecedent and petitioner nos. 1, 3 & 5 have got one criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the nature of the offence and delay in filing of the present FIR, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/-



(Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Phulparas P.S. Case No.64 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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