

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72481 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- TARARI District- Bhojpur

1. DHARMENDRA KUMAR SINGH @ BHOLI SINGH S/O LATE RAMBAHADUR SINGH Resident of village- Karath, P.S.- Tarari, District- Bhojpur.
2. RABINDRA SINGH @ RABINDRA KUMAR SINGH S/O SHIV BAHADUR SINGH Resident of village- Karath, P.S.- Tarari, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar,Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Tarari P.S. Case No.161 of 2022 registered for the offences punishable under Sections 147, 148, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein having arrived at the house of the informant in the night of 27.06.2022 at about 8 p.m., whereafter the petitioners are alleged to have assaulted the



nephew of the informant with iron rod, resulting in him sustaining injuries.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted by referring to paragraph no.10 of the present petition that the nephew of the informant, who is alleged to have been assaulted by the petitioners, was examined by the doctor and the nature of injuries have been found to be simple in nature, hence, benefit of doubt can be granted to the petitioners for the purposes of grant of anticipatory bail. It is further submitted that though the incident in question had taken place on 27.06.2022, but the F.I.R. has been filed belatedly only on 13.07.2022, with oblique motive and with a view to falsely implicate the petitioners in the alleged occurrence.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of



anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the averments made in the present petition to the effect that the injury report depicts the injuries sustained by the nephew of the informant to be simple in nature, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, however, subject to verification of the injury report by the learned trial court.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Bhojpur at Ara in connection with Tarari P.S. Case No.161 of 2022,



subject to the conditions as stipulated under
Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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