

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.793 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- BATHNAHA District- Sitamarhi

1. GOPAL PRASAD S/O LAXMI PRASAD R/V- MAIBI, P.S.- BATHNAHA, DISTRICT- SITAMARHI
2. SONI DEVI W/O GOPAL PRASAD R/V- MAIBI, P.S.- BATHNAHA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2023 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 447, 341, 323, 307, 504/34 of the Indian Penal Code.

Allegedly, petitioners are said to have assaulted the informant and when her husband came in her rescue, both the petitioners assaulted him. They also pelted bricks on them.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed on offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. There is admitted land



dispute between the parties. The injury sustained by the victim is simple in nature. The occurrence took place on 19.07.2022 but the FIR was lodged on 07.08.2022. There is inordinate and abnormal delay of more than 15 days in lodging 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 the injury sustained by the victim is simple in nature, 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 lower Court where the case is pending/successor Court in connection with Bathnala P.S. Case No.214 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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