

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17418 of 2024

Arising Out of PS. Case No.-578 Year-2022 Thana- NAUTAN District- West Champaran

1. Rajeshwar Chaudhary, son of Dhruv Chaudhary Village- Jhakhra Maniya Ps- Jadishpur Dist- West Champaran
2. Rameshwar Chaudhary, son of Dhruv Choudhary Village- Jhakhra Maniya Ps- Jadishpur Dist- West Champaran
3. Tripuravi Chaudhary, son of Bikram Chaudhary Village- Jhakhra Maniya Ps- Jadishpur Dist- West Champaran
4. Sikandar Chaudhary, son of Bikram Chaudhary Village- Jhakhra Maniya Ps- Jadishpur Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap
For the Opposite Party/s : Mr. Ram Priya Sharan Singh
Mr. Vidyapati

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 22-03-2024 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code and subsequently Section 302 of the I.P.C. was also added.
3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and



have been falsely implicated in the instant case by the informant. It is further submitted that the informant alleges that he was informed by his co-villagers that his father is lying in an injured condition. Accordingly, he went to the place of occurrence where he found his father lying in an injured condition, who disclosed that he was assaulted by the petitioners and thereafter, he was taken to the hospital for treatment.

4. The learned counsel for the petitioners submits that the date of occurrence is 23.10.2022 and the F.I.R. came to be instituted 08.11.2022 i.e. after a delay of more than 15 days. It is further submitted that it absolutely does not stand to reason that if the father of the informant had disclosed about the occurrence to him on 23.10.2022, why he did not institute the F.I.R. instantly. It is thus submitted that this creates an aspersion on the case of the prosecution. It is also submitted that the father of the informant subsequently died during the course of treatment on 09.11.2022 and the F.I.R. was instituted one day prior to his death on 08.11.2022, as such, the police could not record the statement of the father of the informant, which further creates doubt with regard to the



allegations as alleged as it appears that the informant deliberately instituted the F.I.R. at a belated stage, so that the statement of his father could not be recorded and he gets an opportunity of getting innocent people implicated. It is also submitted that police after investigation, submitted final form exonerating the petitioners of the allegations, but the learned trial Court, differing with the police report, took cognizance. It is thus submitted that when one investigating agency, after threadbare investigation, came to a considered conclusion that petitioners are innocent, then whether it would be prudent to send the petitioners to jail based on the same investigation based on which cognizance is taken.

5. Learned A.P.P. along with learned counsel for the informant opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel for the petitioners that there is a delay in instituting the F.I.R. and the police after investigation submitted final form.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court



below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Nautan (Jagdishpur) P. S. Case No.578 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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