

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31386 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- KOTWA District- East Champaran

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TABREJ DEWAN @ TABREJ ALAM SON OF AMRUDIN DEWAN
RESIDENT OF VILLAGE - MATHURAPUR MATH GOPAL, POLICE
STATION - PIPRA KOTHI, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kotwa P.S. Case No. 350 of 2023, G.R. No. 6331 of 2023 registered for the offences punishable under Sections 341, 323, 307, 324, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have thrashed the informant and assaulted him by fists and legs. It is alleged that co-accused Arbind Mahto is said to have blown knife upon the left side of informant's ribcage (*Panjar*). It is further alleged that co-accused Arbind Mahto again blew knife upon the right side of ribcage above the abdomen. It is alleged



that petitioner is said to have snatched Rs. 50,000/- from the pocket of informant.

4. Learned counsel for the petitioner submitted that petitioner is co-villager of the informant and on account of some trivial matter, petitioner has falsely been implicated in the present case. Learned counsel further submitted in para 10 that nature of injury of informant is simple in nature and hence, no case is made out against the petitioner under Section 307 of I.P.C. He further submitted that the direct allegation of assaulting the informant twice is attributed against co-accused Arbind Mahto. Learned counsel further submitted that from the perusal of F.I.R., it is crystal clear that there is inordinate delay of four days in lodging the F.I.R. as the occurrence took place on 04.10.2023 but F.I.R. was lodged on 08.10.2023 and no plausible explanation has been given regarding the said delay which casts doubt upon the prosecution story. He further submitted that allegation against the petitioner under Section 379 is nothing but superaddition and ornamental in nature. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the



prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P.S. Case No. 350 of 2023, G.R. No. 6331 of 2023 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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