

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50007 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- GAIGHAT District- Muzaffarpur

1. Gopal Kumar son of Kamlesh Mahto Village- Ashiya Ps- Gaighat Dist- Muzaffarpur
2. Sita Kumari D/o- Kamlesh Mahto Village- Ashiya Ps- Gaighat Dist- Muzaffarpur
3. Sumitra Devi W/o- Kamlesh Mahto Village- Ashiya Ps- Gaighat Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prasoon Kumar, Advocate
For the Opposite Party/s : Mr.Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Gaighat P.S. Case No. 02 of 2024 registered for the offences punishable under Sections 341, 323, 354, 307, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other are said to have dragged the informant in mustard field. It is alleged that petitioner no. 1 inflicted the informant by means of blade as a result of which informant sustained injury on her neck. It is further alleged that the reason behind the alleged



occurrence is stated to be the amount of Rs. 1 lakh which is due on petitioner no. 1.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Except petitioner no. 1 who bears criminal antecedent of one case in which he is on bail, other petitioners bear no criminal antecedent. He further submits that from the perusal of impugned order it appears that there is no injury as stated in F.I.R. as the same has not been given to I.O. He further submits that petitioners have never abused, assaulted or misbehaved with the informant, just on account of money dispute F.I.R. has been lodged. Though, the occurrence is said to have taken place on 31.12.2023 and the F.I.R. has been lodged on 02.01.2024 and no plausible explanation has been given by the informant regarding the delay of two days which questions the authenticity of the F.I.R.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the



petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, East Gaighat, Muzaffarpur in connection with Gaighat P.S. Case No. 02 of 2024, 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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