

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57978 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- CHORAUT District- Sitamarhi

Ramnath Yadav @ Ramnath Kumar Son of Radhe Yadav @ Radhe Shyam
Rai R/O Vill.- Khoriya, P.S.- Choraut, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ram Narayan Jha, Adv.
For the Opposite Party/s :	Mr. Dilip Kumar No.1, APP.
	Mr. Santosh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-12-2024 Heard Mr. Narayan Jha, learned counsel for the petitioner,
Mr. Dilip Kumar No.1, learned A.P.P. for the State and Mr.
Santosh Kumar, learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Choraut P.S. Case No. 26 of 2024 registered for the offences punishable under Sections 341, 323, 325, 326, 352, 354(B), 452, 504, 506/34 of the Indian Penal Code.

3. Allegedly, all the FIR named accused persons including the petitioner are said to have entered the house of the informant and committed *mar-pit* with her family members due to which they have sustained injuries.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no



offence. No such occurrence as alleged has ever taken place. He has falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is admitted land dispute between the parties. Nothing specific has been attributed against the petitioners. There is inordinate and abnormal delay of 20 days in lodging the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant submits that there is serious allegation against the petitioner to assault one Chandan Kumar with spade on his head causing him grievous injury. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case, the nature of the offence and particularly the fact that petitioner is an author of grievous injury, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.



7. Accordingly, the application stands dismissed.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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