

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61579 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Sakina Khatoon wife of Md. Lal Babu Resident of Village- Chhapki Parri, P.S.- Sadar, Dist.- Darbhanga
 2. Md. Lulu Son of Md. Lal Babu Resident of Village- Chhapki Parri, P.S.- Sadar, Dist.- Darbhanga
 3. Md. Shakeel son of Md. Lal Babu Resident of Village- Chhapki Parri, P.S.- Sadar, Dist.- Darbhanga
 4. Md. Rijo Son of Md. Lal Babu Resident of Village- Chhapki Parri, P.S.- Sadar, Dist.- Darbhanga
 5. Md. Rahul @ Rahul Son of Md. Lal Babu Resident of Village- Chhapki Parri, P.S.- Sadar, Dist.- Darbhanga

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 504, 447, 323, 308, 379 and 506/34 of the Indian Penal Code.

3. The petitioners along with other co-accused is said to have assaulted and abused the informant and his family members. Petitioner no.4 gave lathi blow on the head of the informant and rest accused persons indiscriminately assaulted the informant with lathi and iron rod.



4. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is inordinate delay of six days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay. It is further submitted that petitioner no.3 lodged a case against the informant and his agnates on 13.03.2024 with an allegation that the informant of this case entered into his house on 11.03.2024 and stabbed him for which he lodged a case vide Sadar P.S. Case No.153 of 2024 and to save skin from this case the present false and frivolous case has been lodged against the petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Having regard to the facts and circumstances of the case as well as the fact that the allegation against petitioner nos.1,2,3,&5 are general and omnibus in nature, let the above named petitioner no.1,2,3 & 5, 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 Court below where the case is pending/successor Court in connection with Sadar P.S. Case No. 148 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Considering the facts and circumstances of case as well as the fact that there is specific allegation against petitioner no.4, I am not inclined to enlarge petitioner no.4 on anticipatory bail. The prayer for anticipatory bail of petitioner no.4 is hereby rejected.

7. However, the petitioner no.4 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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