

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80708 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

1. Nisi Bin @ Rajnish Bin Son of Umesh Bin Resident of Village - Daulatpur, P.S. - Ara Muffasil, District - Bhojpur
2. Umesh Bin Son of Budhdeo Bin Resident of Village - Daulatpur, P.S. - Ara Muffasil, District - Bhojpur
3. Dinesh Bin Son of Budhdeo Bin Resident of Village - Daulatpur, P.S. - Ara Muffasil, District - Bhojpur
4. Sandesh Bin @ Sandesh Kumar Bin Son of Bishundeo Bin Resident of Village - Daulatpur, P.S. - Ara Muffasil, District - Bhojpur
5. Ram Awadhesh Bin @ Ramdhesh Bin @ Ajit Kumar @ Ram Awadh Bin @ Ram Awadhesh Son of Budhdeo Bin Resident of Village - Daulatpur, P.S. - Ara Muffasil, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Mishra, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-12-2024 Heard Mr. Surendra Mishra, learned counsel for the petitioners and Mr. Dilip Kumar No.1, learned A.P.P. for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.5.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.5 only.

5. Now this application survives for rest of the



petitioners.

6. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code.

7. Allegedly, all the FIR named accused persons including the petitioners are said to have assaulted the informant's side brutally by means of deadly weapons due to which they have sustained injuries.

8. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Nothing specific has been attributed against the petitioners. The prosecution party themselves are aggressors and committed *mar-pit* in which members of both the parties have sustained injuries. There is inordinate and abnormal delay of two 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 the petitioners have no criminal antecedent as mentioned in para-3 of this



application.

9. Learned APP for the State opposes the prayer for bail and submits that there is serious allegation of assault against the petitioners causing grievous injury to injured Ishwar Dayal Bin on his head.

10. Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioner nos. 1 to 4, 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 lower Court where the case is pending/successor Court in connection with Ara Muffasil P.S. Case No.126 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

11. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

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