

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80767 of 2023

Arising Out of PS. Case No.-367 Year-2023 Thana- DUMRAO District- Buxar

1. Amresh Kharwar Son Of Hiramuni Kharwar R/O Village- Lakhan Dihara, P.S.- Dumraon, District- Buxar
2. Nagadi Kharwar @ Ganga Sagar Kharwar Son Of Janardan Kharwar R/O Village- Lakhan Dihara, P.S.- Dumraon, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Dumraon P.S. Case No. 367 of 2023 dated 15-09-2023, instituted for the offence punishable under Sections 147,148,149,323,307, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the allegation against the petitioners is of assaulting the son of the informant by means of '*Bhala*' and '*danda*'.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. There is delay in lodging the FIR. The occurrence is



said to have taken place on 09-09-2023, but the instant FIR has been lodged after six days i.e., on 15-09-2023. It is next submitted that there is case and counter case between the parties. It is further submitted that one Vishwanath Kharwar had lodged a case *vide* Dumraon P S Case no. 360 of 2023 dated 10-09-2023, under Sections 341, 323, 308, 504 and 506/34 of the IPC against the informant and his both sons for the same occurrence, in retaliation to which, the present false case has been lodged against the petitioners to save their skin. It is next submitted that petitioners are co-villagers. Lastly, it is submitted that the petitioners are man of clean antecedents.

5. Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Dumraon P.S. Case No. 367 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Buxar, or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

U			
---	--	--	--

