

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86510 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- BIDUPUR District- Vaishali

1. Amal Kishore @ Amal Kiahore @ Priyanshu Kumar son of Late Braj Kishore Singh resident of village- Mathura chak, p.s.- Bidupur, district- Vaishali
2. Uma Devi wife of Late Braj Kishore singh resident of village- Mathura chak, p.s.- Bidupur, district- Vaishali
3. Ram Biloki Rai son of uday rai resident of village- Vishnupur Diyar, p.s.- Raghapur, district- Vaishali
4. Bhushan Rai son of Uday Rai resident of village- Vishnupur Diyar, p.s.- Raghapur, district- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-01-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Bidupur P.S. Case No. 106 of 2023 for the offence under sections 341, 323, 447, 448, 379, 435, 504, 506/34 of the I.P.C. lodged on 21.02.2023 by the informant, Md. Aftab.

3. As per the prosecution story, the informant has alleged that while he was sleeping in the house, the accused persons came and put his house on fire and also looted articles worth Rs. 8 lakhs. Immediately, police was called, it reached whereafter they escaped. When he was going to lodge the FIR,



the keys of the motorcycle were snatched. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that for an allegation of 01.09.2022, the FIR has been lodged on 21.02.2023 and the delay has not been clarified in the FIR. His further submission is that when the police itself had reached the place of occurrence, how the informant took five months to lodge the FIR.

5. The last submission is that a complaint case was filed on 03.09.2022 vide Complaint Case no. 2857 of 2022 and as an after thought, the present FIR.

6. Learned APP opposes the prayer.

7. Considering the submissions put forward by the parties as also the fact that FIR has been lodged after months without explaining the reason for the delay, one of the petitioners is a lady, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at



Hajipur, in connection with Bidupur P.S. Case No. 106 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

9. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

kiran/-

U		T	
---	--	---	--

