

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29406 of 2018

Arising Out of PS.Case No. -46 Year- 2017 Thana -MAHILA P.S. District- BANKA

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1. Sohan Sah, S/o Mangar Sah,
2. Yugal Sah S/o Geno Sah, Both R/o Vill.- Banarjhop, P.S.- Fullidumar,
District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 18-05-2018 Heard both sides.

The petitioners apprehend their arrest in Banka Mahila
P.S. Case No.46 of 2017 registered under Sections 354(B), 323,
506, 457, 341, 504 and 34 of the Indian Penal Code.

The informant alleged that while she was sleeping in
her house the petitioners entered into her house and Sohan Sah
tried to commit rape with her.

The learned counsel for the petitioners submits that the
occurrence took place on 08.10.2017 but the informant made her
fardbeyan on 12.10.2017. No such occurrence as alleged by the
informant has ever taken place. In fact, the petitioner No.1, Sohan
Sah is the son-in-law of elder sister-in-law of the informant and



Yugal Sah, petitioner No.2 is the father of sister-in-law of the informant. In fact, the informant had quarreled with his own sister-in-law and petitioners had come to pacify the matter that is why this false case has been lodged.

Considering the facts aforesaid and the nature of allegation made against the petitioners and the fact that the F.I.R. was lodged after four days of the occurrence, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Banka in connection with Banka Mahila P.S. Case No.46 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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