

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63344 of 2017

Arising Out of PS.Case No. -226 Year- 2017 Thana -ITADHI District- BUXAR

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1. Santosh Kumar Sah,
2. Neeraj Sah, Both are S/o Prabhu Nath Sah, Resident of Villa ge- Indaur,
P.S.- Itarhi, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Deo Singh, Adv.

For the Opposite Party/s : Mr. Sri Rajkishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

2 02-02-2018 Heard the learned counsel for the petitioners and

learned APP for the State.

In this application, the petitioners apprehend their
arrest for the offences in connection with Itarhi P.S. Case No. 226
of 2017 punishable under Sections 341, 33, 506, 354, 457, 380 of
the Indian Penal Code.

Allegedly, ten days ago, the petitioners entered into
the house of the informant in the night and when the informant
woke up and came out to drink water, they started assaulting her
and petitioner no. 2 pulled her sari resulting she became nude and
then they asked whereabouts of Rs. 50,000/- and ornaments and
due to fear of life, the informant told them about the same and



they looted away cash, ornaments and clothes.

Submission is of false implication and that prosecution story appears not probable and reliable. No date of occurrence has been given and it is alleged that the occurrence is of 10 days ago but no explanation has been given for lodging the FIR about such delay and, as such, the petitioners deserve sympathetic consideration as they are *Dever* and *Bhabhi*. Occurrence has taken place due to dispute between the children.

Learned APP is not in a position to explain the delay.

Considering the facts and circumstances as stated above, the petitioners, in case of their surrender or arrest within four weeks from the date of receipt/production of a copy of this order shall be enlarged on bail on execution of 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-II, Buxar in connection with Itarhi P.S. Case No. 226 of 2017 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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