

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86011 of 2019

Arising Out of PS. Case No.-122 Year-2019 Thana- JHANJHARPUR District- Madhubani

1. BILLA MANSURI @ SABBIR MANSURI S/o Jalaludin Mansuri Resident of Village- Kanhauli, Ward No.2, P.S.- Jhanjharpur, Distt- Madhubani.
2. Jahir Mansuri @ Jahir S/o Jalaludin Mansuri Resident of Village- Kanhauli Ward No.2, P.S.- Jhanjharpur, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Jhanjharpur P.S. Case No. 122 of 2019 (G.R.No. 897 of 2019), registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 354(B), 504 and 506 of the Indian Penal Code.

The allegation is regarding the accused persons having assaulted the informant and his family members and there is allegation upon the petitioners of disrobing one Akhtari Khatoon and attempting to commit rape.

The learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case



and they are having a clean antecedent. It is further submitted that other co-accused persons have already been granted bail by the learned court below, however, because of the allegation of attempt to rape having been levelled against the petitioners herein, they have not been granted bail, nonetheless, the fact is that a bare perusal of the FIR would show that the said allegation is apparently concocted inasmuch as in presence of so many villagers, nobody could have attempted to rape the said Akhtari Khatoon. It is further submitted that a general and omnibus allegation has been levelled against the petitioners and there is no mention of any sort of grievous injury being inflicted upon the injured persons.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, coupled with the fact that the allegations levelled against the petitioners, appears to be, prima facie, concocted, which is apparent from a bare perusal of the FIR, as far as the consideration of the present bail petition is concerned, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.



Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st Jhanjharpur, District-Madhubani in connection with Jhanjharpur P.S. Case No. 122 of 2019 (G.R.No. 897 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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