

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6785 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- HARLAKHI District- Madhubani

BIJO JHA @ VIJEKANT JHA S/o- Jaykant Jha Resident of Village- Kauaha,
P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, A.P.P.
	:	Mr. Sanjay Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 14-10-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 448, 354(B), 307, 379 and 34 of the Indian Penal Code.

The informant alleges that on 01.01.2021 at about 6:45 PM, all the accused persons including the petitioner entered her house and the petitioner caught her hand and outraged her modesty, thereafter, Ravindra Jha pulled her sari and made her semi-naked and said that we will outrage your modesty and will take all your belongings, thereafter, the petitioner threatened her to remain silent, it is next alleged that thereafter, female members of the family of the accused came



and took Rs. 65,000/- cash and snatched the ornaments as detailed in the FIR and when her son came to save her, petitioner assaulted him by *farsa* on his head with an intention to kill causing injury, thereafter, other accused persons also assaulted her nephew Jay Kumar Jha by *farsa* when he was trying to rescue Ajay Jha.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated by way of afterthought, it is next submitted that the alleged occurrence is of 01.01.2021 and the FIR came to be instituted on 07.02.2021, i.e., after a delay of more than one month. Learned counsel further submits that had what has been alleged is true then definitely the informant would have promptly instituted an FIR but has tried to explain that after the occurrence a Panchayati was done on account of which the delay occurred. Learned counsel submits that it appears that the occurrence took place in some other manner and the informant by way of afterthought implicated the petitioner as no prudent man would wait for so long for instituting an FIR.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not able to rebut the submission of the learned



counsel for the petitioner that there is an inordinate delay in instituting the FIR.

Considering the submissions made by the learned counsel for the petitioner, that there is an inordinate delay in instituting the FIR the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Harlakhi P.S. Case No. 41 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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

