

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23942 of 2021

Arising Out of PS. Case No.-69 Year-2020 Thana- MAHILA P.S District- Supaul

1. SANJAY MEHTA @ SANJAY KUMAR MEHTA SON OF HARERAM MEHTA R/O VILLAGE- RAMNAGAR, P.S.- PIPRA, DISTRICT-SUPAUL.
2. ROSHAN MEHTA @ ROSHAN KUMAR SON OF VIDHANAND MEHTA R/O VILLAGE- RAMNAGAR, P.S.- PIPRA, DISTRICT-SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv

For the Opposite Party/s : Mr. Uma Shankar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-07-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under sections 341, 323, 354(B), 379, 504/34 of the Indian Penal Code.

The allegation against the petitioners is that they molested the informant and assaulted the informant's brother-in-law by means of dabiya.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The occurrence took place on 16.07.2020 and the F.I.R. was lodged on 24.07.2020 which is after delay of 8 days. There is no explanation for such delay in the F.I.R., which creates doubt about the prosecution case. Petitioners have clean antecedent as mentioned in para 3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that petitioner no. 1 has suppressed the fact that he has no criminal antecedent.

Having regard to the facts and circumstances of the case as well as the materials on record, since the petitioner no.1 suppressed the fact that he has no criminal antecedent, his bail application is rejected.

However, petitioner no. 2 has no criminal antecedent and there is no specific allegation against him, let him be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Supaul P.S. Case No. 69 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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