

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48318 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- MAHILA P.S. District- Araria

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1. SWAPRIL SAH @ SWAPNIL KUMAR SAH Son of Ashok Sah Resident of Village - Basmatia Ward No.4, P.S.- Basmatia, Distt.- Araria.
 2. Sourav Sah @ Sourav Kumar Sah Son of Ashok Sah Resident of Village - Basmatia Ward No.4, P.S.- Basmatia, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 376, 313, and 448/34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place.



Petitioners have been falsely implicated in this case due to ill motive of the informant as well as on the instigation of the enemies of these petitioners. There is great delay in lodging the present case which itself goes to show the falsity of the case and false implication of these petitioners. There is specific allegation of committing rape on the assurance of marriage with the informant is against co-accused Navin Sah, who happens to be the elder brother of these petitioners and owing to such the informant has involved them with their father in this case. As a matter of fact, the informant has already married with co-accused Navin Sah and living with him as husband and wife in Nepal having no connection with her Sasural people or with these petitioners in any manner since then. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in



connection with Araria (Mahila) P.S. Case No.72 of 2020,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

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