

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49581 of 2021

Arising Out of PS. Case No.-308 Year-2021 Thana- MASHRAK District- Saran

1. PANKAJ KUMAR Son of Jagarnath Ray Resident of Village - Chand Kudariya, P.S.- Masharakh, District - Saran at Chapra, Presently Residing of Village - Jeepura, P.S.- Panapur, District - Saran at Chapra.
2. Pawan Kumar Son of Jagarnath Ray @ Jitendra Ray Resident of Village - Chand Kudariya, P.S.- Masharakh, District - Saran at Chapra, Presently Residing of Village - Jeepura, P.S.- Panapur, District - Saran at Chapra.
3. Jitendra Kumar @ Jitendra Ray Son of Jagarnath Ray Resident of Village - Chand Kudariya, P.S.- Masharakh, District - Saran at Chapra, Presently Residing of Village - Jeepura, P.S.- Panapur, District - Saran at Chapra.
4. Suman Devi Wife of Pankaj Kumar Resident of Village - Chand Kudariya, P.S.- Masharakh, District - Saran at Chapra, Presently Residing of Village - Jeepura, P.S.- Panapur, District - Saran at Chapra.
5. Rubi Devi Wife of Pawan Kumar Resident of Village - Chand Kudariya, P.S.- Masharakh, District - Saran at Chapra, Presently Residing of Village - Jeepura, P.S.- Panapur, District - Saran at Chapra.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan
For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-04-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

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 341, 323,



354B, 379, 504 & 506 of the Indian Penal Code.

The allegation against these petitioners is that while the informant was taking bath besides the hand pump, then the petitioners are said to have come there and started abusing her. On protest, they threatened her. Petitioner-Pankaj Kumar pushed her due to which she fallen down, became naked and injured. Petitioners Suman Devi and Pankaj Kumar snatched her 'Mangalsutra'. The reason behind the occurrence is said to be land dispute.

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 land dispute. There is admitted land dispute between the parties as both the parties are agnates. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of four days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. 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 Masharak P.S. Case No.308 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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