

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60425 of 2021

Arising Out of PS. Case No.-283 Year-2020 Thana- MANJHAGARH District- Gopalganj

1. SUNITA DEVI Wife of Ajai Sah Resident of Village - Karampura, P.S.-
Manjhagarh, District - Gopalganj.
2. Ajay Sah Son of Late Singashan Sah Resident of Village - Karampura, P.S.-
Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Advocate

For the Opposite Party/s: Mr.Ravindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 09-05-2022 Heard learned counsel for the petitioners and learned
A.P.P. Mr. Ravindra Kumar for the State.

The petitioners seek bail in connection with Manjha-
garh P.S. Case No. 283 of 2020 registered under Sections 302
and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that peti-
tioner no. 1 is in custody since 22.12.2010 and petitioner no. 2 is
in custody since 28.10.2020 and have befitted of one case and
the informant alleges that her mother Meena Devi died in the
year 2008 and thereafter her father married Sunita Devi, further
from Meena Devi three children were born including the infor-
mant, further her elder brother Niranjan was abroad and her



younger brother was staying with the informant, further her elder brother came from abroad but his aadhar card, passport and cash were snatched by the petitioners and when her younger brother went to demand the documents of his elder brother on 14.10.2020, the petitioners locked him in a room and brutally assaulted him with lathi and bricks, on account of which he sustained injuries and was weeping and was saved by neighbours and when victim came back home he narrated the entire occurrence and was taken to Sadar Hospital, Gopalganj from where he was referred to Gorakhpur but died on the way.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and from bare perusing of the F.I.R. it would manifest that the date of occurrence is 14.10.2020 and the F.I.R. came to be instituted on 27.10.2020. It is, thus, submitted that if the occurrence had taken place on 14.10.2020 why an FIR was not instituted promptly, it is, thus, submitted that it appears that the informant by way of after thought implicated the petitioners in the present case as the inordinate delay in instituting the F.I.R. has not been explained.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.



Considering the fact that the petitioner no. 1 is in custody since 22.12.2010 and petitioner no. 2 is in custody since 28.10.2020, charge-sheet has been submitted and there was an inordinate delay in instituting the F.I.R., let the petitioners above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Manjhagarh P.S. Case No. 283 of 2020.

The supplementary affidavit filed by the petitioners is kept on record.

(Satyavrat Verma, J)

ved/-

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