

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17554 of 2023

Arising Out of PS. Case No.-119 Year-2021 Thana- MADHEPUR District- Madhubani

1. MD. ILIYAS @ BACHCHABABU @ MD. ELIYAS @ BACHCHA BABU @ ILIYAS S/O AYUB @ MD. AYUB R/v- Pachhi, P.S.- Madhepur, District- Madhubani
2. SUBHAN @ MD. SUBHAN S/O MD. ILIYAS @ BACHCHABABU @ MD. ELIYAS @ BACHCHA BABU @ ILIYAS R/v- Pachhi, P.S.- Madhepur, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti
For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Madhepur P.S. Case No.119 of 2021 registered for the offences punishable under Sections 341, 323, 379, 354, 448 and 34 of the Indian Penal Code.

All the F.I.R. named accused persons including these petitioners are said to have entered into the house of the informant and snatched silver ornaments and also tried to outrage her modesty and when her husband rushed in her rescue, they also assaulted her.

The petitioners are quite innocent and have been



falsely implicated in this case due to previous grudge. It is further submitted that both the parties are agnates and it is a family dispute. No specific overt act has been attributed against the petitioners rather the allegations levelled against the petitioners is general and omnibus in nature. The petitioners have one criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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