

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17630 of 2023

Arising Out of PS. Case No.-498 Year-2022 Thana- MADHUBAN District- East Champaran

1. MANJAY BHAGAT S/O KEDAR BHAGAT RESIDENT OF VILLAGE-DIHU TOLA, P.S- MADHUBAN, DISTT.- EAST CHAMPARAN.
2. MADHURENDRA BHAGAT S/O KEDAR BHAGAT RESIDENT OF VILLAGE- DIHU TOLA, P.S- MADHUBAN, DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-06-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 379, 354B, 504, 506/34 of the IPC and section 8 of POCSO Act.

As per the prosecution case, the F.I.R. named accused persons including the petitioners were misbehaving and abusing the daughter of the informant and when the informant protested the same, the accused persons snatched the gold chain and ear ring and assaulted with fists and slaps.

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 due to enmity. 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 alleged occurrence is of 15.11.2022 but the F.I.R. has been lodged on 23.11.2022 i.e. after a delay of eight days and no plausible explanation for the delay has been given, which creates doubt about the prosecution case. Later on, both parties have compromised. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the delay in lodging the F.I.R., 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 court below where the case is pending/Successor Court in connection with Madhuban P.S. Case No.498 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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