

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26360 of 2023

Arising Out of PS. Case No.-497 Year-2022 Thana- JAYNAGAR District- Madhubani

1. SHYAM JAISWAL @ SHYAM BABU JAISWAL SON OF RAM SAGAR PRASAD JAISWAL Resident of village - Jainagar, Marwari Tola, Ward no. 8, P.S. - Jaynagar, Distt. - Madhubani
2. Neelam Kumari @ Lilam Kumari @ Neelam Jaiswal D/o Shyam Jaiswal Resident of village - Jainagar, Marwari Tola, Ward no. 8, P.S. - Jaynagar, Distt. - Madhubani
3. Bhola Kumar Jaiswal Son of Prem Jaiswal Resident of village - Jainagar, Marwari Tola, Ward no. 8, P.S. - Jaynagar, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehend arrest in a case registered for the offences punishable under Sections 458, 341, 323, 379, 354B, 327, 504, 506/34 of the Indian Penal Code.

It is alleged that all the F.I.R. named accused persons including these petitioners entered into the house of the informant, assaulted her daughters and spread chili powder on them. It is further alleged that petitioner No.1 Shyam Babu disrobed daughter of the informant and snatched earring.

It is submitted that on account of pendency of



partition suit between the parties, this false and concocted case has been lodged against the petitioners. As per F.I.R., alleged occurrence took place on 24.11.2022 and F.I.R. has been lodged on 10.12.2022, after a delay of 16 days without any explanation, which itself creates doubt about the veracity of the prosecution story. Petitioners have got clean antecedent.

Considering the delay in lodging the F.I.R. and clean antecedent of the petitioners, this anticipatory bail is allowed and it is ordered that the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhubani in connection with Jaynagar P. S. Case No. 497 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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