

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36858 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- MURLIGANJ District- Madhepura

1. Mannu Sah @ Abhimanyu Sah S/O Balkrishna Sah R/O Vill. Itahri, Ps. Murliganj, Dist. Madhepura
2. Dayanand Sah S/O Balkrishna Sah R/O Vill. Itahri, Ps. Murliganj, Dist. Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr. Pronoti Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Praveen Kumar Agrawal, learned counsel
for the petitioners and learned APP for the State.

2. The Petitioners are apprehending their arrest in connection with Murliganj P.S. Case No.440 of 2022, registered for the offences punishable under Sections 341, 342, 323, 324, 354(B), 379, 304, 506, 34 of the Indian Penal Code.

3. It is alleged that on account of previous enmity both the petitioners caught hold his son Chandan Kumar and started assaulting him with *lathi* and danda, when the informant came there in rescue to her son, she was tossed on the ground and both the petitioners misbehave with her and snatched golden chain and mobile.



4. Learned counsel appearing on behalf of the petitioners submits that in fact prior to the institution of this case the wife of the petitioner had lodged Murliganj P.S. Case No.439 of 2022 against the son of the informant that he stealthy entered into her house and stolen cash of Rs.5,000/- and ornaments worth Rs.25,000/-. This case is nothing but only a counter blast of the earlier case. He further submits that though the FIR has been instituted on 20.10.2022 but surprisingly, the same has been sent to the jurisdictional court on 07.11.2022 and as such serious doubt has arisen in the prosecution case. He next submits that the petitioners are men of fair antecedent and undertakes that they will fully cooperate in the investigation/trial.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case, coupled with the fair antecedent of the petitioners as also the apparent reasons behind the institution of this FIR, 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 four weeks from today, on furnishing bail bond of



Rs.10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No.440 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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