

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76940 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- MADHEPUR District- Madhubani

1. SUMAN KUMAR JHA SON OF LATE BIMLENDU JHA RESIDENT OF VILLAGE- - PRASHAD, PS- MADHEPUR, DISTT- MADHUBANI
2. SHASHANK KUMAR JHA SON OF UDAY CHANDRA JHA RESIDENT OF VILLAGE- - PRASHAD, PS- MADHEPUR, DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Choudhary

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 448, 341, 323, 379, 307, 354B, 504, 506 and 34 of the Indian Penal Code.

3. Allegedly, the petitioners entered into the house of the informant and assaulted her. It is also alleged that petitioner no.1 tried to rape her and petitioner no.2 snatched golden chain from her neck.

4. 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. No such occurrence, in the manner as alleged, has ever taken place. There is no specific overt act against the petitioners. He submits that



there is an admitted land dispute between the parties and both sides are agnates. He further submits that the occurrence took place on 05.03.2023 and the FIR has been lodged on 10.03.2023 i.e. after a delay of seven days without giving any credible explanation regarding the said delay which creates a doubt over the prosecution story. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as well as considering the delay in 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 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 Madhepur P.S. Case No.48 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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