

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1776 of 2023**

Arising Out of PS. Case No.-65 Year-2022 Thana- RAHIKA District- Madhubani

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MOTI SAH S/O Jafir Sah R/O Village- Ijra, P.S- Rahika, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 341, 323, 325, 354(A), 379, 504,
506 and 34 of the IPC.

Allegedly, all the F.I.R. named accused persons including
the petitioner armed variously entered into the house of the
informant and assaulted her husband. The petitioner is said to
have attacked upon the informant with knife and upon the
informant's daughter with lathi and rod.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to ulterior motive.
No such occurrence, in the manner as alleged, has ever taken



place. It is submitted that the alleged occurrence is said to have taken place on 27.04.2022 but the F.I.R. was lodged on 04.05.2022 i.e. after a delay of seven days, without giving any plausible explanation regarding such delay. This itself creates doubt about the prosecution case. It is further submitted that there is no mention of nature of injury in the impugned order. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the delay in lodging the F.I.R., let the above named petitioner, be released on bail, in the event of his 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) 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 Rahika P.S. Case No.65/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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