

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75134 of 2022

Arising Out of PS. Case No.-638 Year-2021 Thana- ALAMGANJ District- Patna

1. Md. Asif @ Munchun, Son of Md. Abbass @ Basu, Resident of Village - Agrawal Tola, Bank Colony, P.S.- Alamganj, District - Patna.
2. Nazama Khatun @ Nazama, Wife of Md. Abbass @ Basu, Resident of Village - Agrawal Tola, Bank Colony, P.S.- Alamganj, District - Patna.
3. Md. Abbas @ Basu, Son of Late Md. Nasir, Resident of Village - Agrawal Tola, Bank Colony, P.S.- Alamganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-03-2023 Heard learned counsels for the petitioners and the State.

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

As per prosecution case, on 13.07.2021 at 12:00 P.M., while the informant was going to throw garbage, all the F.I.R. named accused persons including these petitioners tried to outrage her modesty, snatched jewellery and some cash and threatened her to suffer with dire consequences if case is lodged against them.



Learned counsel appearing for the petitioners submits that petitioner No. 3 had lodged a case i.e. Alamganj P. S. Case No. 251 of 2021 in which husband of the informant and others are named and in retaliation, this false case has been lodged against the petitioners. There is inordinate delay of 2 months in lodging the F.I.R. which itself creates doubt over the prosecution case. Petitioners claim clean antecedent.

Considering the delay in lodging the F.I.R., let 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 Judicial Magistrate, 1st Class, Patna City, Patna in Alamganj P. S. Case No. 638 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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