

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80416 of 2023

Arising Out of PS. Case No.-371 Year-2023 Thana- MAHUA District- Vaishali

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1. UMESH SAH S/O LATE RAMDEO SAH R/O VILLAGE-CHAKKISHUN, PS. MAHUA, DIST. VAISHALI.
 2. RAJEEV SAH S/O RAMNATH SAH R/O VILLAGE- CHAKKISHUN, PS. MAHUA, DIST. VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ranjit Kumar Thakur
For the Opposite Party/s :	Mr. Nand Kishore Prasad
	Mrs. Mira Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-12-2023 Heard the parties.

2. Learned counsel for the informant filed a detailed supplementary counter affidavit in the present case. Let the same be accepted and kept on record.

3. The petitioners apprehend their arrest in connection with Mahua P.S. Case No.371 of 2023, registered for the offence punishable under Sections 341, 447, 323, 324, 354, 504, 506/34 of the Indian Penal Code.

4. The allegation against the petitioner no.1 is that he assaulted the informant by means of sword and the allegation against the petitioner no.2 is that he entered into the house of the informant and tried to outrage her modesty.



5. 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. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that both the parties are agnates and there is a previous enmity between them. He further submits that earlier the wife of the petitioner no.1 has filed informatory petition in the learned Court below. Petitioners have no criminal antecedent.

6. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is submitted by the learned counsel for the informant that the husband of the informant gave a written report to the S.H.O., Mahua Police but they did not heed any information given by the informant. The informant sent RTI to the police station about action taken by them about information given by her, which was also not replied. She further submits that the informant again gave an application to the S.P. Mahua Police, then the police registered the case.

7. Having regard to the facts and circumstances of the case as well as considering the nature of allegation, I am not



inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

8. Accordingly, this application is dismissed.

9. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, then the learned Court below shall pass the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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