

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6496 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- BIHARIGANJ District- Madhepura

1. Amit Kumar Sah @ Amit Kumar, Son Of Lakhichandra Sah R/O-Kuasthan, Ward No. 02, P.S.-Bihariganj, Distt.-Madhepura
2. Mukesh Kumar Son Of Lakhichandra Sah R/O-Kuasthan, Ward No. 02, P.S.-Bihariganj, Distt.-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Bihariganj P.S. Case No. 81 of 2023, registered for the alleged offence under Sections 366, 379 and 504 of the Indian Penal Code.

03. As per prosecution case, the petitioners enticed away the sister of the informant and they fled away with cash of Rs. 3,00,000/- and ornaments worth of Rs. 2,00,000/- from the house of the informant.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioner no. 1 was having love affair with sister of the informant since long and this fact was well known to the family



members of the informant. The occurrence is stated to have taken place on 13.03.2023 and the FIR has been registered on 06.04.2023 after much deliberation and afterthought. The victim girl is major aged about 21 years and she has performed marriage with petitioner no. 1 on 14.03.2023 at Panchkula, Haryana and both of them are living as husband and wife. The victim girl has also sought protection from his family and she gave an application to the Senior Superintendent of Police, Mohali, Punjab. The petitioner no. 1 and the victim girl have also filed a criminal writ bearing Cr. W.P. No. 2730 of 2023 before Punjab and Haryana High Court for protection of their life and liberty, which was disposed of vide order dated 20.03.2023. When the sister of the informant left her house, then the informant and others, variously armed, came to the house of the petitioners and burnt the house of the petitioner, for which, Bihariganj P.S. Case No. 86 of 2023 has been lodged against the informant and his father and mother for the offences punishable under Sections 323, 341, 435, 504 and 506 of the Indian Penal Code. The petitioners have got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the turn



of events and strong possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishungunj, Madhepura in connection with Bihariganj P.S. Case No. 81 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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