

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16683 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

1. Surendra Das, S/O Bideshi Das, Resident Of Badluchak, Bhagalpur-813105, Bihar.
2. Videshi Das, S/O Basu Das, R/O Badluchak, Bhagalpur-813105, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Jagdishpur P.S. Case No. 404 of 2023, registered on 29.08.2023 for the offences under Sections 341, 323, 354, 379, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, petitioner no.1 came to the shop of the informant in inebriated condition and started demanding cigarette. When the informant asked for payment, he abused and assaulted her and pulled her *sari*. Thereafter, petitioner no.2 joined him and threw away the articles kept in the shop and also took away Rs. 5,000/- and a gold chain from



the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Informant and the petitioners are neighbours and the present case has been lodged with mala fide intention. For an occurrence of 25.08.2023, FIR has been lodged on 29.08.2023 without any explanation. Petitioners have not tried to outrage the modesty of the informant and they did not commit theft of any article from the shop of the informant and other offences mentioned in the FIR are not believable. Petitioner no.1 is having clean antecedent whereas petitioner no.2 is having criminal antecedent of one case wherein he is on bail.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-serious nature of allegations coupled with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Bhagalpur/concerned court in connection with Jagdishpur P.S. Case No. 404 of 2023, subject to the conditions as 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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