

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18513 of 2024

Arising Out of PS. Case No.-141 Year-2023 Thana- MUSRIGHRARI District- Samastipur

1. Ganesh Sahni @ Ganesh Kumar Son Of Sukhdev Sahni Resident Of Village- Gohda Rupauli, Ps- Musrigharai, Distt- Samastipur
2. Mamta Kumari @ Mamta Devi Wife Of Ganesh Sahni @ Ganesh Kumar Resident Of Village- Gohda Rupauli, Ps- Musrigharai, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Hussamuddin Azad

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 27-06-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Mr. Rabindra Kumar.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 354B, 504 and 34 of the Indian Penal Code.
3. Case diary along with injury report was called for by order dated 2-4-2024, but the same till date has not been received.
4. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is further submitted that date of occurrence is 28-7-2023 and the FIR came to be instituted on 8-9-2023, i.e., after a delay of more than 40 days, without giving any plausible explanation for the delay. It is



next submitted that had the victim or her family members suffered any injury, in that event, the doctor in the hospital would have informed the police and the *fardbeyan* of the victim or the injured would have been recorded in the hospital itself, but since there is a delay of 43 days that amply demonstrates that the FIR came to be instituted by way of after-thought. It is also submitted that even the allegation in the FIR is vague.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Musrigharari P.S. Case No. 141 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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