

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21043 of 2024

Arising Out of PS. Case No.-486 Year-2023 Thana- KHAIRA District- Jamui

1. Naresh Sah @ Naresh Saw @ Naresh Kumar Sah, son of Hari Sah @ Hari Saw @ Harey Sah,
2. Upendra Sah @ Upendra Saw @ Upendra Kumar Sah, son of Hari Sah @ Hari Saw @ Harey Sah,
3. Hari Sah @ Hari Saw @ Harey Sah, son of Late Bachu Saw
All are residents of Village- Chaukitar, PS-Khaira Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mala Sinha, Advocate
For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Khaira P.S. Case No. 486 of 2023, registered for the alleged offences under Sections 323, 341, 448, 379, 354(B), 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the informant alleged that the petitioner no.1 entered into her house when no other members were present and molested and disrobed her. The petitioner no.2 came and struck her with an iron rod and the petitioner no. 3 snatched a gold chain from the informant.



4. The learned counsel for the petitioners submits that the petitioner nos.1 and 2 are brothers and sons of petitioner no.3 and the present case has been lodged by the informant as counterblast of the case earlier lodged by the wife of petitioner no.3 against the informant's side vide Khaira P.S. Case No.479 of 2023 which was lodged on 20.11.2023 for the occurrence of same day. In retaliation thereof, the present false case has been lodged showing same occurrence taking place on 23.11.2023. In the assault by the family members of the informant's side, the petitioner no.1 received serious injuries. The learned counsel further submits that the petitioners have no criminal antecedent. The learned counsel further submits that during investigation, the witnesses examined did not support the prosecution case and there is no injury report of the informant and no incriminating materials were seized from the spot.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the strong 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 bond of Rs. 10,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Khaira P.S. Case No. 486 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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)

V.K.Pandey/-

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