

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32198 of 2024**

Arising Out of PS. Case No.-423 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. Shambhu Sahni S/o- Sukhlal Sahni Village- Zamin Mathiya Ps- Minapur Panapur OP Dist- Muzaffarpur
2. Sunita Devi W/o- Shambhu Sahani Village- Zamin Mathiya Ps- Minapur Panapur OP Dist- Muzaffarpur

... .. Petitioners

Versus

1. The State of Bihar
2. Usha Devi W/o- Jay Prakash Sahni Village- Zamin Mathiya Ps- Minapur Dist- Muzaffarpur

... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.  
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

6      16-12-2024                      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 Minapur P.S. Case No. 423 of 2020, registered on 22.10.2020 for the alleged offence under Sections 341, 323, 324, 376, 511, 504/34 of the Indian Penal Code.

03. As per prosecution case, petitioner-Shambhu Sahni tried to commit rape with the informant and when the informant raised alarm, wife of Shambhu Sahni, who is petitioner no. 2, came there and struck the informant with iron



rod on her head, causing serious injuries to her.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The prosecution story is not believable at all. For an occurrence dated 09.10.2020, the FIR has been lodged on 22.10.2020 and there is no satisfactory explanation for the same. It is not believable that the husband would try to commit rape with a lady and his wife would come and support her husband and assault the said lady. The injury report shows four injuries but the injuries are pain on left arm, back, whole-body and skull. The opinion has been reserved for the fourth injury. However, no such injuries were caused to the informant and it is a fabricated injury report. Learned counsel further submits that a compromise has also taken place between the parties and a petition has been filed before the learned Chief Judicial Magistrate, Muzaffarpur certifying the factum of compromise. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that there is specific allegation against the petitioner no. 1 of making attempt of rape on the informant and further specific allegation against the petitioner no. 2 for assaulting the informant with an iron rod.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioners, 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Court No. 8, Muzaffarpur (East) in connection with Minapur P.S. Case No. 423 of 2020, 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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