

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78049 of 2024

Arising Out of PS. Case No.-85 Year-2024 Thana- MAHESHKHUNT District- Khagaria

1. Laxmi Devi @ Laxmi Kumari Wife of Heera Mandal Resident of Bari Jhitkiya, PS- Maheshkhunt, District- Khagaria
2. Heera Mandal Son of Sushil Mandal Resident of Bari Jhitkiya, PS- Maheshkhunt, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 324, 354(A), 379, 385/34 of the Indian Penal Code.

3. Allegedly, all the FIR named accused persons including the petitioners are said to have assaulted the informant's side brutally by means of deadly weapons due to which they have sustained several injuries.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place.



They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. The real fact of the matter is that on 10.05.2024, when petitioner no.2 demanded his money back from the informant's husband, some scuffle took place between the parties and thereafter with an intention to extort the loan amount, the informant filed this false case against the petitioners and others. It is further submitted that nothing specific has been attributed against the petitioners. As per FIR, the allegation levelled against the petitioners is that they snatched Mangal Sutra from the informant's neck. Learned counsel further submits that there is inordinate and abnormal delay of five days in lodging the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner no.1 has no criminal antecedent, whereas petitioner no.2 has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bial.

6. Having regard to the facts and circumstances of the case, since there is inordinate delay of five days in lodging the FIR, let the above named petitioners, be released on bail, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Maheshkhunt P.S. Case No.85 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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