

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18984 of 2025

Arising Out of PS. Case No.-73 Year-2023 Thana- SALIMPUR District- Patna

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1. Mukesh Mistry Son of Jagan Mistry Resident of Mirdahachak, P.S. - Salimpur, District - Patna
 2. Sonu Mistry @ Mutesh Kumar @ Mukesh Kumar Son of Late Sant Mistry Resident of Village - Nadwan, P.S. - Dhanarua, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shiv Kumar Son of Late Suresh Mistri Resident of Mirdahachak, P.S. - Salimpur, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Salimpur P.S. Case No. 73 of 2023 dated 04.04.2023, instituted for the offence punishable under Sections 366 of the Indian Penal Code.

3. The prosecution case, in short, is that on 02.03.2023, sister of the informant went to throw garbage but did not return. It is alleged by the informant that petitioners have intimidated his sister.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 1 is the cousin of the informant and petitioner no. 2 is cousin brother-in-law of the informant. Earlier the informant of the present case has lodged Khusrupur P.S. Case No. 48 of 2018 against petitioner no. 2 for the offences punishable under Sections 376, 363, 366(A) of the I.P.C. in which the petitioner has been granted bail *vide* order dated 11.05.2022 passed in Criminal Miscellaneous No. 7935 of 2022. It is submitted that due to the aforesaid reason, the informant lodged the present case against both the parties. As per the FIR, victim is aged about 21 years. It is also submitted that victim has solemnized marriage with some other person. It is further submitted that in Khusrupur P.S. Case No. 48 of 2018, summons were issued for her examination as witness of the aforesaid case but she did not appear before the Court. It is next submitted that date of occurrence mentioned in the FIR is 02.03.2023 but the present FIR has been lodged on 04.04.2023 i.e. after about 1 month of delay without any plausible explanation. Lastly, it has been submitted that the petitioner no. 1 has no criminal antecedents whereas petitioner no. 2 has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Salimpur P.S. Case No. 73 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Barh, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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