

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34149 of 2013

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Baidhnath Singh S/O Late Jagan Singh Resident Of Village- Hasanpur,
Police Station- Jandaha, District- Vaishali.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 24-12-2013

Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel for
the informant.

The petitioner prays for anticipatory bail in a case
under Sections 341,323,307,498A/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that an
entirely false case has been lodged in the present matter. Earlier
also the informant, who is the wife of the petitioner, had lodged
Complaint Case No. 496/2011 under Sections 498A, 323, 504/34
of the Indian Penal Code in which case the petitioner is on bail and
apart from the same the petitioner has no other criminal
antecedent.

It is submitted by learned counsel that the falsity of
the case of the informant is evident from the fact that although a
case under Section 307 IPC has been registered apart from the



other aforesaid sections, there is not even a single injury in support of the same and all the three so called injuries as read out in court by learned Additional Public Prosecutor and learned counsel for the informant, are (i) headache, (ii) neck pain and (iii) lower back pain which cannot be said to be any injury and the Doctor who has given report of the same being caused by hard and blunt substance appears to have completely failed to understand the nature of such injury which are not injuries as such but mere complaint by the informant of a subjective feeling.

It is submitted by learned counsel for the petitioner that the informant is bent upon acting in the manner so as to ensure that somehow or the other her husband remains behind bars.

Learned Additional Public Prosecutor for the State and learned counsel for the informant reiterate the statement in the injury report that the injuries have been caused by hard and blunt substance but they are at a loss to explain how such subjective feeling regarding pain have been described as injuries alleged to have been caused by hard and blunt substance.

On a consideration of the facts and circumstances of the case, it is directed that the petitioner, Baidhnath Singh, in the event of his arrest/surrender in the court below within four weeks

from today, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Katihar (Mahila) P.S. Case No. 7/2013 to the satisfaction of the Chief Judicial Magistrate, Katihar, subject to other conditions laid down under Section 438(2) Cr.P.C.

(Ramesh Kumar Datta, J)

S.Pandey/-