

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4549 of 2015

Arising Out of PS.Case No. -31 Year- 2014 Thana -MAHILA P.S. District- PATNA

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1. Shyam Prasad son of Rameshwar Prasad resident of village - Abdullah Chak, P.S. - Gopalpur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate.

For the Opposite Party/s : Mr. A.L.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 03-02-2015 Heard both sides.

The petitioner apprehends his arrest in Mahila P.S. Case No. 31 of 2014, registered for the offences punishable under Sections 377 and 34 of the Indian Penal Code.

The petitioner is the husband. According to the allegations made by the informant, it appears that the petitioner assaulted her with iron rod and also caused injury on her private parts. The doctor found the injuries on the private parts is grievous in nature.

Learned counsel for the petitioner submits that the informant had earlier filed Gandhi Maidan P.S. Case No. 92 of 2012, in which the petitioner was granted provisional bail and his provisional bail was confirmed vide order dated 31.01.2014. The



informant was not willing to live with the petitioner, but in pursuance of the order of the Hon'ble Court the petitioner took his wife only then his provisional bail was confirmed. After seven months thereafter, the informant filed this case making false and frivolous allegation. The allegation appears to be false on the face of it, as the occurrence is alleged to have taken place in the presence of the parents of the petitioner.

On the facts of the case, it appears that there is very specific allegation against the petitioner not only assaulted the informant on the back with iron rod but also inserted finger inside the private parts and caused grievous injuries, hence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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