

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39708 of 2015

Arising out of PS.Case No. -162 Year- 2014 Thana -PUNPUN District- PATNA

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Neeraj Kumar, Son of Raj Kumar, resident of village- Bhakhri, P.S.-
Dhanarua, District:- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Sumiran Rai, Advocate.

For the Opposite Party : Mr. Navin Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is apprehending his arrest in connection
with Punpun P.S. Case No. 162 of 2014 for the offences instituted
under Sections 341, 342, 323, 325, 379, 504, 506 and 354(A)B/34
of the IPC.

The prosecution story, in brief, is that on 10.10.2014, the
informant's husband alongwith his two sons from his second wife
and this petitioner came to the house of the informant, committed
assault and theft etc. The specific allegation against the petitioner
is to have physical contact with the informant with intent to
outrage her modesty.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. It is further submitted

that from perusal of the F.I.R. itself, it would appear that the dispute is in respect of the husband and the wife because the husband of the informant has performed second marriage. The petitioner is said to be the *Bhagina* of the husband of the informant and only with intent to falsely implicate him he has been made accused in the present case and whatsoever the allegation as has been levelled against the petitioner is superficial in nature.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Punpun P.S. Case No. 162/2014, pending in the court of the learned J.M. Masaurhi, Patna. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order taking into account the submissions made on behalf of the petitioner and if possible, the same may be disposed of preferably on the same day.

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(Sudhir Singh, J)