

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3435 of 2016

Arising Out of PS.Case No. -298 Year- 2015 Thana -GHOSI District- JEHANABAD

1. Rajesh Sharma Son of Late Suresh Sharma, resident of village- Dumri,
P.S.- Ghosi, District- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 03-02-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner is named in the first information report on
accusation that he along with others forcibly restrained the
informant's daughter at their brick kilns but submission on behalf
of the petitioner is that there was some dispute between the
petitioner and local police and that was the reason the local police
set up a fictitious person and got instituted Ghosi P.S.Case No.
115 of 2011 against the petitioner and others but in the aforesaid
case, the Additional Sessions Judge-I, Jehanabad acquitted the
petitioner and other accused giving this finding that police having
set up a fictitious person got instituted the present case and after
getting acquittal in the aforesaid case, petitioner and his associates



made complaint before Bihar Human Right Commission and the Bihar Human Right Commission directed the concerned Superintendent of Police to make an inquiry and take action and, thereafter, the inquiry was conducted and two police officials were suspended and, thereafter, again the local police set up the informant of the present case and got instituted the present case. Moreover, in course of investigation, the statement of victim was recorded and she only stated that she was restrained by the petitioner and his associates at their brick kilns and except the aforesaid allegation, victim did not make any allegation against the petitioner. It is further pointed out on behalf of the petitioner that when police officials saw the statement of victim, they again pressurized the informant and victim to file a petition for recording statement of victim under section 164 of the Cr.P.C again and, thereafter, victim filed a petition which was rejected by the court below. The aforesaid circumstance clearly goes to show the malafide intention and attitude of local police.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S.case

No. 298 of 2015.

(Hemant Kumar Srivastava, J)

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