

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33880 of 2016

Arising Out of PS.Case No. -160 Year- 2016 Thana -KADAMKUAN District- PATNA

1. Vivek Kumar @ Vicky S/o Arjun Prasad R/o Vill Deepnagar, P.S. Deepnagar, Distt Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sri Upendra Kumar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-08-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kadamkuan P. S. Case No. 160/2016 registered for the offence punishable under Sections 341, 354 and 323 of the Indian Penal Code.

The prosecution case as lodged on the basis of written report by the informant to S.H.O., Kadamkuan P.S. on 08.04.2016 is that the petitioner (brother-in-law of the informant) assaulted her in a closed room at about 9 P.M. and thereafter tried to outrage her modesty and torn her cloths with threatening that if it is reported to any one, her elder sister would be done to death. On raising alarm, her father came and then she was saved.

It has been submitted by the learned counsel for the petitioner that he is innocent and he is brother-in-law (Bahnoi) of

the informant and there is some family dispute with the in laws as the sister of the informant was married to him, due to this the petitioner has been falsely implicated. He submits that no medical examination has been done on the informant. He submits that Section 354 of the I.P.C. is a super addition and that the petitioner has no criminal history, as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since the petitioner is brother-in-law of the informant and there is allegation of family dispute, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the Shri Madhwendra Singh, Judicial Magistrate 1st class, Patna in connection with Kadamkuan P.S.Case No. 160/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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