

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39125 of 2016

Arising Out of PS.Case No. -83 Year- 2016 Thana -KAKO District- JEHANABAD

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Shekhar Sharma S/o Baleshwar Sharma Resident of Village- Imalia, PS
Kako, District Jehanabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Y.C.Verma,Sr.Adv
Mr. Manoj Kumar, Adv.

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 26-09-2016 Heard Sri Y.C.Verma, learned senior counsel, who
was assisted by Sri Manoj Kumar, learned counsel for the
petitioner.

The sole petitioner, who has been named as accused in
Kako P.S. Case No. 83 of 2016 registered for offence under
Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code
with specific accusation of giving blow from *Garasa*, has prayed
for grant of bail in the event of arrest or surrender.

At the very outset, learned senior counsel has taken
the Court to **Annexure – 2** to the present petition i.e. an F.I.R.,
vide Kako P.S. Case No. 86 of 2016 registered for offence under
Section 354(A) of the Indian Penal Code. He submits that in the
said occurrence, one Shanker Sharma had made specific allegation



that while his minor girl was watching television programme at the resident of the informant of the present case, the informant of the present case tried to outrage her modesty, thereafter, *hulla* was raised and subsequently some villagers arrived there and assaulted him and then he was handed over to police, but since the father of the girl was out of station, there was none to lodge F.I.R. and the informant was freed. After the arrival of father the minor girl, an F.I.R., vide Kako P.S. Case No. 86 of 2016, was registered belatedly. However, after noticing that the father of the victim girl had arrived and wanted to lodge an F.I.R., with a view to create a defence, the informant of the present case, in an occurrence which allegedly took place on 11-06-2016, lodged F.I.R. on 13-06-2016 and exaggerated allegation was made that in the occurrence a golden chain was snatched and the petitioner gave blow from *Garasa*. Learned senior counsel for the petitioner, placing reliance on **Annexure – 3** to the present petition i.e. injury report of the informant, submits that no incised wound was found. Had there been allegation of giving *Garasa* blow, there was no reason to notice injury by hard and blunt substance. He reiterates that it is true that informant was assaulted, but he was assaulted by villagers while he was apprehended by the villagers at the time of outraging modesty of the minor girl.

In view of facts and circumstances, particularly the fact that injury report does not corroborate the allegation and the fact that one case was registered by father of the victim girl against the informant, the Court is of the opinion that it is a case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Shekhar Sharma be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Kako P.S. Case No. 83 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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