

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6173 of 2016

Arising Out of PS.Case No. -222 Year- 2015 Thana -KOTWALI District- MUNGER

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Vivek Mahto @ Viveka Nand Singh, son of Deodhar Singh @ Deodhar Mahto, resdent of Chandi Asthan (Adarsh Gram), P.S. Kotwali, District Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Aditya Nr. Singh1 (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-03-2016

Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner is apprehending his arrest in connection with Kotwali P.S. Case No. 222 of 2015 for the offences under Sections 341, 323, 504 and 307 of the Indian Penal Code.

The prosecution case, in brief, is that on 14.09.2015 at about 2.30 PM while the daughter-in-law of the informant was sewing, the petitioner came and started molesting her. Two months prior the petitioner had also tried the same in which he has been left after confessing his guilt. He destroyed the articles kept in the house. The son of the victim has also stated about molestation of his mother. The victim was in fainting position and blood was oozing from her mouth. Thereafter, she has been admitted in the Hospital.

It is submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. From perusal of the FIR it appears that the informant is not an eye witness rather the son of the victim is said to be the eye witness. The son of the victim has been examined by the I.O. whose statement is para-7 of the case diary. The statement of the son of the victim does not support the allegations made in the FIR. From perusal of the case diary it would appear that there is no medical examination report of the victim to support the allegations made in the FIR.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Kotwali P.S. Case No. 222 of 2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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