

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31255 of 2016

Arising Out of PS.Case No. -2079 Year- 2013 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

Jai Prakash Sah, Son of Late Gyanchand Sah, the then B.D.O. Keoti Block,
P.S. Keoti, District- Darbhanga, Permanent Resident of village- Mustafapur,
P.S. - Ahiyapur, District-Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. Lalit Devi wife of Dinesh Paswan, resident of village Gosaitol
Paigamberpur, P.S. Keoti, District Darbhanga

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Hari Kishore Thakur, Advocate
For the State : Mr. Shantanu Kumar, APP
For the Complainant : Mr. Arbind Kumar Singh, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 10-08-2016 I have heard learned counsel for the petitioner, the State
and the complainant.

The petitioner apprehends his arrest in a case registered
for offences punishable under Sections 354 and 384 of the Indian
Penal Code.

It is contended on behalf of the petitioner that a
First Information Report was lodged against the petitioner for
offences punishable under Sections 420/ 406/ 409/ 323/ 342/
354/384/504 of the Indian Penal Code and Section 3(x) (xi) of SC
ST Act bearing Keoti P.S. Case No. 139 of 2013. It is contended
that police not only submitted a final form exonerating the



petitioner who at the alleged point of time was Block Development Officer but also proposed prosecution of the informant under Section 182/211 of the Indian Penal Code. The final form was accepted. However, on protest petition filed by the complainant, a complaint case has been lodged in which cognizance has been taken against the petitioner. It is contended that the police did not find any evidence and cognizance has been taken upon the averments made during the inquiry by two witnesses set up by the complainant after several months.

It is contended on behalf of the complainant that the police did not investigate the matter properly and, thus, has submitted final form. However, when a question was asked from the learned counsel for the complainant as to whether the witnesses of inquiry produced themselves before police at the time when the investigation was going on, he does not have any answer.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Jai Prakash Sah be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Trial No. 832/2016, C.R. No. 2079/2013, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to

the satisfaction of Sri Shamim Raja, Judicial Magistrate 1st Class,
Darbhanga subject to the conditions as laid down under sub-
section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

Spd/-

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