

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35083 of 2016

Arising Out of PS.Case No. -116 Year- 2016 Thana -FALKA District- KATIHAR

1. Prabhash Yadav @ Pappu Yadav S/o Bijendra Yadav Resident of Village- Dira Chandpur, P.S.- Falka, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshuman Jaipuriyar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.-112

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-09-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Falka P.S.Case No. 116/2016 registered for offences punishable under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code.

The prosecution case as lodged on the basis of F.I.R., is that on 26.05.2016 at the time of counting of vote in connection with Gram Panchayat Raj, Chandpur Pachim (Nirvachan area No.04) Kiran Devi was declared winner thereafter, this petitioner abused and assaulted the informant, also attempted to outrage her modesty and snatched Rs. 45000/- and ornaments.

It has been submitted by the learned counsel for the



petitioner that he is the husband of the present elected Mukhiya, Kiran Devi and it is the informant side, who indulged in unpleasantries during course of counting for which the Returning Officer of the said Election, one Manikant Kumar has also lodged F.I.R. bearing Falka (Pothia) P.S.Case No. 114/2016 against the informants' side and the petitioner has also lodged F.I.R. bearing Falka (Pothia) P.S.Case No. 115/2016 against the informant's husband, Amardeep Kumar. He submits that his wife was elected as Mukhiya succeeding by 4 (four) votes and this present F.I.R. is a counter blast to the previous case, lodged by the Returning Officer and the petitioner. He submits that the present F.I.R. has been lodged after two days of counting and at the belated stage and no plausible explanation has been given for such delay. He also submits that the petitioner has clean 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 First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the Returning Officer has lodged the F.I.R. against the informants' side stating that the petitioner's wife was successful candidate for the post of Mukhiya and the present case is a counter blast to the earlier case lodged by the

petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Katihar in connection with Falka P.S.Case No. 116/2016 (G.R. No. 1766 of 2016) subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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