

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10315 of 2017

Arising Out of PS.Case No. -293 Year- 2016 Thana -DIGHA District- PATNA

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Jai Prakash Narayan, S/o Late Rishi Kumar Yadav, Resident of Mohalla-
Hathuwa Enclave Ramji Chak, P.S. Digha, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Awadhesh Kumar Mishra, Advocate

For the Opposite Party : Mr. Yogendra Kr. Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-04-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and learned counsel representing the

State.

The petitioner apprehends his arrest in connection
with Digha P.S. Case No. 293 of 2016, registered for the offences
punishable under Sections 498(A)/323/349 of the Indian Penal
Code and Section 3/4 of D.P. Act.

Allegedly, the petitioner being father-in-law of the
informant used to torture and assault her. The tap was removed,
resulting, the informant has to bring water from roof and the
petitioner was having bad intention and for that he used to torture
and demand ornaments and cash etc.

Submission is of false implication and that the
petitioner is an old man aged about 71 years, he is suffering from
tumor in his knee, due to torturous act of the informant her
husband has left and she is living in the house of the petitioner, the



petitioner has never demanded anything and during investigation witnesses have not supported the allegation of demand, vide para 4 and 5 of the case diary, the I.O. has not found open tap at the place of occurrence and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the petitioner being father-in-law broke the bolt of the door with bad intention.

In the facts and circumstances as stated above, considering that during investigation the I.O. has not found any broken bolt of the door nor he has found open tap and further the witnesses have not supported the allegation of demand of cash and ornaments and, as such, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released 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 S.D.J.M., Patna Sadar, in connection with Digha P.S. Case No. 293 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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