

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.760 of 2017

Arising Out of PS.Case No. -119 Year- 2016 Thana -BARSOI District- KATIHAR

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Md. Bijju, Son of Md. Kalua, Resident of Village- Fuhagaon, Police Station
- Barsoi(Kachna O.P.), District-Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Najmul Hoda, Advocate
Md. Qumrul Hoda, Advocate

For the Opposite Party : Mr. Tarun Prasad Mandal (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 20-02-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Barsoi
(Kachna O.P.) P.S. Case No. 119 of 2016 arising out of Complaint
Case No. 967 of 2016 instituted for the offence under Sections
341, 323, 324, 498-A and 376 (D)/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
he was earlier granted anticipatory bail by the Hon'ble High Court
in Mahila P.S. Case No. 53 of 2015 vide Cr. Misc. No. 7802 of
2016 dated 01.04.2016. It has further been submitted that he has
falsely been implicated in this case. Counsel for the petitioner has
further submitted that no medical report of the victim is available.
The witnesses in paras-37, 38, 39 and 40 of the case diary have
stated that false case has been filed by the informant. Counsel for



the petitioner has further submitted that police in his supervision note has found the case true under section 498A of the Indian Penal Code.

It is alleged in the complaint petition, which was sent to police station under Section 156(3) of Cr.P.C., that earlier this petitioner had committed illegal act with the complainant for which Mahila P.S. Case No. 53 of 2015 was lodged. Later on, the complainant did not disclose about such fact in that case in the court. It is further alleged that on the date of occurrence, this petitioner with two others entered into her house with intention to commit illegal act. It is further alleged that this petitioner put chilly powder in the private part of the complainant on account of which she felt restlessness.

The case diary has been received.

Learned A.P.P. has submitted that witnesses have supported the case.

Be that as it may, from perusal of the allegation levelled against the petitioner and statement of the witnesses, this court finds that there is general and omnibus allegation made against this petitioner of putting chilly powder in private part of the complainant. Complainant was not medically examined. No any medical report is available in the case diary. It further appears



that earlier also a case was filed by this complainant against this petitioner vide Mahila P.S. Case No. 53 of 2015, in which petitioner was granted anticipatory bail vide Cr. Misc. No. 7802 of 2016 dated 01.04.2016. In the circumstances, prayer of the petitioner for anticipatory bail is allowed.

In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Barsoi (Kachna O.P.) P.S. Case No. 119 of 2016, he shall be released on anticipatory 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, Katihar, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sanjay Priya, J.)

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