

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29567 of 2016

Arising Out of PS.Case No. -225 Year- 2015 Thana -COMPLAINT CASE District- SHEOHAR

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Umesh Sah, Son of Late Sonelal Sah, Resident of Village - Shahpur, P.S. - Sheohar, District - Sheohar

.... Petitioner/s

Versus

1. The State of Bihar.
2. Punam Devi, Wife of Late Chandeshwar Tiwari, Resident of Village - Shahpur, P.S.- Sheohar, District - Sheohar.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Mahendra Thakur, Advocate
Mr. Devendra Kumar, Advocate
For the Informant : Mr. Ashhar Mustafa, Advocate
For the State : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9 17-01-2017 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State. Learned counsel for O.P. No.2 is also present.

The petitioner is apprehending his arrest in connection with Complaint Case No.C-1/225 of 2015 for allegedly having committed the offence under Sections 148, 341, 323, 504, 379 and 376/511 of the Indian Penal Code, which is pending in the court of the learned Chief Judicial Magistrate, Sheohar.

Learned counsel for the petitioner submits that the F.I.R. is nothing but based on false and fabricated document,



which has been registered by way of complaint. He further submits that it has been motivated by one Shakti Nath Gupta, who happens to be a witness in the present case. In support of his contention, he has brought on record another F.I.R. filed by said Shakti Nath Gupta, which also appears from the main bail application that earlier also there was some dispute between the present petitioner and said Shakti Nath Gupta. He further submits that the complainant is a witness in the case lodged by Shakti Nath Gupta on the following day of the occurrence.

Learned counsel appearing on behalf of O.P. No.2 has brought on record by way of counter affidavit the application made by the lady, the present complainant, which was sent to the Thana Incharge on 12.6.2015, but the said Thana Incharge refused to accept her complaint at the earliest. He further submits that the complainant has been subjected to indecent behaviour and when she raised alarm, neighbours came and tried to save her, as a result of which Shakti Nath Gupta, who is also a neighbour, sustained injuries. He further submits that the independent witnesses have supported the case of the present complainant. Witness Keshwar Nath Kumar also supported the case of the complainant.

Considering all facts and circumstances of the case



and also the fact that there is an injury report brought on record by way of counter affidavit by O.P. No.2 that she was treated in the Sadar Hospital, I am not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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