

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43940 of 2017

Arising Out of PS.Case No. -69 Year- 2016 Thana -AIRPORT District- PATNA

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Vijay Ram, son of Ram Barat Ram, Resident of Mohalla- Veterinary
College, Domkhana, Police Station- Hawaii Adda, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Jai Narain Thakur

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 19-09-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the state.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Hawaii Adda P.S. Case No. 69 of 2016 for the offences punishable under sections 323, 341, 448, 380, 354, 427, 506 and 34 of the I.P.C.

The learned counsel for the petitioner submits that this case has been lodged on the basis of the complaint petition and from perusal of the complaint petition it reveals that because of the case lodged by accused no.1 Shiv Kumar against the husband of the complainant when her husband was not in the house and taking advantage of his absence the petitioner and other co-accused with an intention to take away property and to outrage the modesty they



entered into the house in the night at about 8 P.M. on 29.03.2016 abused and assaulted and the petitioner having a bottle of acid caused threats and accused Rakesh Kumar tried to outrage modesty of Anjali Kumari and when Sapna Kumari protested the petitioner and Kunal Ram tried to outrage modesty of Sapna Kumari and due to alarm being raised the accused persons fled away after causing threats by opening fire.

It is submitted that this case is out and out a false case only with a view to take revenge of the earlier case lodged by Shiv Kumar. The informant and the petitioner are next door neighbours and they are lodging the cases against each other and there is no other case against the petitioner except this case. In this case other co-accused, namely, Suraj Kumar has already been allowed pre-arrest bail vide Cr. Misc. No. 31700 of 2017 and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. opposes the prayer for pre-arrest bail of the petitioner.

In the facts and circumstances stated above, considering enmity between the parties, the petitioner, in case of his arrest or surrender within a period of 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 Sri Raj Narain Nigam, Sub. Judge-XV Cum A.C.J.M, Patna in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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