

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31684 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -SANGRAMPUR District- MUNGER

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Manoj Kumar Bhagat, son of Late Bhola Jaiswal alias Late Bhola Bhagat,
resident of Village- Kusmar, Police Station- Sangrampur, District- Munger.
.... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance:

For the Petitioner/s : Ms. Sushmita Mishra, Advocate.

For the Opposite Party/s : None.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-07-2017 Heard Ms. Sushmita Mishra, learned counsel for the

petitioner.

The petitioner apprehends his arrest in connection
with Sangrampur P.S. Case No. 26/2017 registered under Sections
341, 323, 448, 354(B), 504, 506 read with Section 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that
although there is an allegation of outraging the modesty of the
daughter of the informant by trespassing in her house, however,
the name of the daughter has not been disclosed by the informant.
Learned counsel further submitted that from perusal of Annexure-
2 it will appear that this petitioner has lodged an F.I.R. on the
same date giving rise to Sangrampur P.S. Case No. 27/2017 for
the offences, *inter alia*, under Section 307 I.P.C. against the son of
the informant, therefore, the present case is nothing but a *mala fide*



prosecution by way of an afterthought. My attention has been drawn towards Annexure 3, which is an injury report of the present petitioner, and submission has been made that in fact the case lodged by this petitioner should have been registered on 09.03.2017 itself but his case has been registered later on 14.03.2017 and, therefore, the case for false implication is *prima facie* made out.

No one appears for the State.

In the facts and circumstances of the case, let the petitioner, named above, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Munger in connection with Sangrampur P.S. Case No. 26/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner shall immediately join investigation by reporting to the Investigating Officer within a week time.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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