

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43536 of 2017

Arising Out of PS.Case No. -122 Year- 2017 Thana -VIJAYPUR District- GOPALGANJ

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1. Parmeshwar Sharma son of Late Gulab Sharma, resident of Village-
Jajwalia, P.S.- Vijaipur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 19-09-2017 Heard both sides.

The petitioner apprehends his arrest in Vijaipur @
Bijaipur P.S. Case No. 122/2017, registered for the offences
punishable under Sections 354, 379 and other Sections of the
Indian Penal Code.

The informant alleged that she and her husband went
to the field, but the petitioner began to assault her husband Tapan
Sharma. Sons of the petitioner also assaulted the husband of the
informant. When the informant went to save her husband, the
petitioner also assaulted the informant and sat over the chest of the
husband of the informant. The informant further alleged that the
petitioner torn her blouse.

Learned counsel for the petitioner submits that the



husband of the informant is own brother of the petitioner. The petitioner purchased some lands from his own income, but the informant wanted to get share in the land. Earlier the informant had filed a complaint case bearing no. 2518/2015 on 05.09.2014 making allegation of attempt to rape against the petitioner and his son Vishun Sharma, but the complaint was dismissed as none of the witness went to support the case of the complainant (informant of the present case). Thereafter the informant filed a petition in police station for partition of the property, but the matter was dropped after intervention of the Superintendent of Police. It is further submitted that the informant is an Anganwari Sewika and she got approach, that is why, this false case has been lodged only to put pressure on the petitioner so that the petitioner may give his land to the informant and her husband.

Considering the facts aforesaid and the fact that the husband of the informant is own brother of the petitioner and earlier the informant also filed a complaint case making allegation against the petitioner that the petitioner and his son made attempt to outrage her modesty, which was dismissed due to lack of evidence, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order,



is directed to be enlarged on bail on 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 IV, Gopalganj in connection with Vijaipur/Bijaipur P.S. Case No. 122/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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