

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29732 of 2018

Arising Out of P.S.Case No. -91 Year- 2017 Thana -DERNI District- SARAN

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Radha Rai, Son of Late Sona Ray, Resident of Village- Jaminpur, P.S.-
Derni, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

3 02-07-2018 Heard learned counsel for the petitioner as well as
learned counsel for the State.

The petitioner is in custody in connection with Derni
P.S.Case No.91 of 2017 registered for an offence under Sections
341, 323, 354, 376, 511, 504 and 506/34 of the IPC.

The allegation as per written report submitted by the
informant is that on 05.08.2017, the cow of this petitioner started
grazing his field. The daughter of the informant raised protest
whereupon this petitioner allegedly abused, torn her saree and
outraged her modesty.

It has been submitted that the petitioner is aged about 65 years, having
his house adjacent to the house of the informant. The petitioner and informant are at
inimical term since before the occurrence. The informant and his son along
with other co-accused had assaulted the petitioner and his family members
for which petitioner filed Complaint Case No.628 of 2018 on 07.03.2018 in
the Court of CJM, Chapra against the informant and his family members. The petitioner



was treated at PHC and thereafter referred to PMCH for better treatment. The informant in order to take revenge has lodged the present case with false and frivolous allegation. The petitioner is in custody since 16.03.2018 having clean antecedent and so he deserves to be enlarged on bail.

The learned APP opposed the submissions.

Considering the aforesaid facts and circumstances, prayer for bail is allowed. Let the above named petitioner be released on bail on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of ACJM –VII, Saran in connection with Derni P.S.Case No.91 of 2017 with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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