

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57072 of 2018

Arising Out of PS.Case No. -275 Year- 2018 Thana -TURKAULIYA District-
EASTCHAMPARAN (MOTIHARI)

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Hari Mahto son of Janeshwar Mahto, resident of village- Singhiya Hivan,
P.S. Banjariya District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No-2, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner, learned counsel
for the informant and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Turkaulia (Banjariya) P.S. Case No. 275 of 2018 registered under
Sections 323, 341, 354 and 379 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that the petitioner is uncle-in-law of the informant. They are
adjacent neighbors. The residential house of the petitioner and the
informant is situated on government land. The informant and her
father-in-law want the petitioner to vacate the land and the house.
When he did not vacate the land, they filed a case before the
Sarpanch of the Panchayat and subsequently in order to put
pressure the instant FIR has been instituted. He contended that the
instant FIR alleging outraging of modesty of the informant has



been instituted after three days and there is no explanation for the delay.

Learned counsel for the State and learned counsel for the informant opposed the prayer for grant of pre-arrest bail to the petitioner.

Considering the facts and circumstances of the case specially the delay of three days caused in filing the FIR without there being any explanation for the same, in the event of arrest or surrender before the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran at Motihari in connection with Turkaulia (Banjariya) P.S. Case No. 275 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

Md.S./SkSuman.

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