

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9623 of 2018

Arising Out of PS. Case No.-101 Year-2017 Thana- KURSAKANTA District- Araria

Biren Paswan S/o Ram Prasad Paswan, R/o Village- Sundari, P.S.-
Kursakanta, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. SRI AKHILESHWAR DAYAL

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-02-2018 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 448,341,323,354(A), 354(B) and 504/34 of the IPC.

The prosecution case as per the written report of Sita Devi dated 14.5.2017 addressed to the S.H.O., Kuwari O.P. is to the effect that on 12.5.2017 at 9 P.M. while the informant was going to feed her children, in the meantime, the petitioner entered into her courtyard and caught her hand and requested the informant for establishing physical relationship. The petitioner pushed the informant on the ground and was forcing the informant for physical relationship when she raised alarm, then the mother and husband of the informant



and others came. Thereafter, the petitioner escaped from the scene but again the petitioner entered into the house and assaulted the mother of the informant.

It is submitted by learned counsel for the petitioner that for petty dispute the accusation has been levelled. For the occurrence of 12.5.2017 the FIR was registered on 14.5.2017 at 8.25 P.M. There is no medical report on record. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner.

Considering the delayed lodging of the case and the fact that neither the FIR nor the impugned order suggests that any medical examination of the informant was ever done, coupled with the statement in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Araria in connection with Kursakanta (Kuwari OP) P.S. Case No. 101 of 2017 subject



to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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