

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60323 of 2018

Arising Out of PS.Case No. -155 Year- 2018 Thana -PHULWARIYA District- GOPALGANJ

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1. Birendra Sah @ Virendra Sah S/o Kisana Sah, R/o Vill.- Hahrihara, P.S.-
Phulwaria, Distt.- 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. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 06.10.2018 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Phulwaria @ Fulwaria P. S. case no. 155/2018 registered
under sections 341, 323, 448, 324, 354, 504 and 506 of the
IPC.

Petitioner is said to have made attempt to outrage
modesty of the informant and also assaulted her as well as
snatched her gold chain.

Submission on behalf of the petitioner is that the
informant is a lady of doubtful character and she is in a
habit of filing false cases against innocent persons with an
object to extract money from them. He, further, submits
that, as a matter of fact, two sons of the petitioner are



students of the informant and due to some reason, a dispute took place between the petitioner and the informant and thereafter, informant lodged this false case against the petitioner.

Annexure 4 to the petition goes to show that prior to institution of the present case, informant filed complaint case against one Manoj Rai and Ajay Kumar Mishra and in the said complaint petition, she asserted that accused of the aforesaid case had attempted to outrage her modesty.

Considering the above stated facts as well as this aspect of the matter that except sections 354, 324, almost all sections are bailable in nature and the impugned order does not reflect that the informant had sustained any injury, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate XIII, Gopalganj in Phulwaria @ Fulwaria P. S. case no. 155/2018 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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