

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59098 of 2018

Arising Out of PS. Case No.-35 Year-2018 Thana- KANHAWLI District- Sitamarhi

Upendra Rai, Son of Ram Kalya Rai, R/o Village- Dularpur, P.S.- Kanahauli,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-11-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 324, 307, 376, 511/34 of the Indian Penal Code.

The prosecution case, in short, is that while the informant was cooking food, the accused persons entered her house and misbehaved her and after few days again the accused persons came and ill-behaved with her and on protest, the accused persons assaulted her husband and other family members.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is a case and counter case between the parties. Both the sides have sustained



injuries. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out. So far sections 376/511 of the Indian Penal Code is concerned, there is no allegation of sections 376/511 of the Indian Penal Code against this petitioner. The same is alleged against other co-accuseds.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. -V, Sitamarhi in connection with Kanahauli P.S. Case No. 35 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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