

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38024 of 2018

Arising Out of PS.Case No. -121 Year- 2018 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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Md. Zamir, Son of Abdul Hafiz, Resident of Village- Pohiya Police Station- Lalganj, District- Vaishali, presently residing at House of Wazahat Hussain, S/o Abdul Rajjak, House No. 306, Road No. 4, Ward No. 6, Mohalla- Ashiyana Colony, Bagmali, P.S. Sadar Town, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnandan Kumar

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 05-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his est in a case registered for the offences punishable under Sections 341, 323, 354, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Putual Kumari dated 19.04.2018 submitted Station House Officer, Lalganj P.S. is to the effect that the informant is a student of Class- X. The petitioner being the neighbour, who runs E-rickshaw, used to tease and passed vulgar comments on the informant. On 15.04.2018 when the informant was going alone then the petitioner caught her hand and passed vulgar



comments and on protest being made, the petitioner abused the informant. The informant came and narrated the incident to her parents. Consequently, the parents took the informant to the house of the petitioner and made complaint, upon which the petitioner assaulted the mother of the informant causing bleeding injury and gave life threat.

It is submitted by the learned counsel for the petitioner that the alleged date of occurrence i.e., 15.04.2018 was Sunday, hence, there was no question of informant going to school. In fact, the petitioner is on litigating terms with Manoj Rai and others, who set up the informant to lodge the present case. The petitioner has filed Title Suit No. 198 of 2018 wherein Manoj Rai, Bipin Rai and Sharda Devi, who were deposed during investigation against the petitioner, are the defendants. The impugned order does not suggest that the mother of the informant was examined by any doctor or received any injury or there is nothing on record to suggest that the informant was examined by any doctor. It is further submitted that for the incident of 15.04.2018, the FIR was registered on 19.04.2018 and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP, however, submits that the petitioner is named in the FIR with specific accusation.

Considering the delayed lodging of the case and the accusation is not being corroborated by medical opinion coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali in connection with Lalganj P.S. Case No. 121 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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