

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48294 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- HASANPUR District- Samastipur

Awadh Ray @ Abadh Ray, S/o Dev Kalyan Ray, R/o Vill- Dewdha, P.S.-
Hasanpur, Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate.

Mr. Ajay Kumar, Advocate.

For the Opposite Party/s : Mr. Arun Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 06-12-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Hasanpur P.S. Case No. 52 of 2018 registered under
Sections 323, 341, 354A, 354B, 504 and 506/34 of the Indian
Penal Code.

Petitioner is said to have dragged the minor
daughter of the informant holding her hand and asked her to sit
on his motorcycle. On refusal by the victim, he tore her attire
and assaulted her by means of leg and fist.

It is submitted by learned counsel for the petitioner
no such occurrence as alleged ever took place. Petitioner has
been falsely implicated in the case. Petitioner happens to be
owner of the bus and informant had put his fruit and vegetable
shop in front of the gate of the bus stand creating



obstacle in passing of the bus, on protest made by the petitioner, there was exchange of hot words and altercation between the petitioner and the informant and due to the aforesaid grudge, informant has falsely implicated the petitioner in the case by filing this false and frivolous case. Injury sustained by the victim is simple in nature. Occurrence is said to be of 29.03.2018 but the F.I.R. has been lodged after inordinate and abnormal delay of four days without assigning any plausible and convincing reason for the aforesaid delay.

On the other hand, learned APP for the State opposing the bail petition submitted that the witnesses have supported the prosecution case and doctor has also found injury on the person of the victim.

In the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Rosera in connection with Hasanpur P.S. Case No. 52 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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