

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13359 of 2018

Arising Out of PS.Case No. -34 Year- 2017 Thana -PHENHARA District-
EASTCHAMPARAN (MOTIHARI)

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Shailendra Kumar Sah @ Surendra Sah, Son of Prem
Chander Sah, Resident of Village-Madhuban, P.S.-Phenhara,
District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lalita Devi, W/o Baliram Prasad, R/o Vill.-Ratnawa,
Madhubani, P.S.-Phenhara, District-East Champaran,
Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the O.P. No. 2 : Mr. Dhananjay Kr. Upadhyay, Adv.

For the State : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 08-08-2018 Heard the learned counsel for the petitioner,
informant/opposite party No. 2 and the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Phenhara P.S. Case No. 34 of
2017, dated 19.05.2017, instituted for the offences
punishable under Sections 341, 342, 323, 354(B), 363,
511 and 34 of the Indian Penal Code.



The learned counsel for the petitioner has submitted that the occurrence is said to have taken place on 25.01.2017, but the case with respect to such an occurrence was lodged only on 19.05.2017, *i.e.* after about four months. It has also been brought to the notice of this Court that the petitioner had earlier filed a case against the informant/opposite party No. 2 *vide* Phenhara P.S. Case No. 15 of 2015 for the offences under Sections 302, 201 and 120B of the Indian Penal Code.

The investigation papers, it has been argued, reveals that there is a long standing dispute between the petitioner and the informant.

The petitioner is alleged to have made attempts to outrage the modesty of the daughter of the informant/opposite party No. 2 and only with the intervention of the local persons, the informant/opposite party No. 2 and her daughter could be saved.

However, regard being had to the background facts, *viz.* the earlier case of murder lodged by the petitioner against the informant/opposite party No. 2 and others and reporting of the present case after four months of the occurrence, the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be



released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Phenhara P.S. Case No. 34 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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