

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40051 of 2018

Arising Out of PS.Case No. -26 Year- 2018 Thana -PURANHIYA District- SHEOHAR

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1. Rajendra Sah S/o Late Shivdayal Sah, resident of Village- Hathisar, P.S. Purnahiya, District- Sheohar. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshuman Singh

For the Opposite Party/s : Mr. R.B. Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 12-07-2018

Heard both sides.

The petitioner apprehends his arrest in Purnahiya P.S. case No.26 of 2018 for the offences punishable under Section 323, 341, 379, 354, 354(B), 452 and 504/34 of the Indian Penal Code.

The informant alleged that he is doing business in Allahabad while his wife, daughter and other children residing in his house in Sheohar. On 20.03.2018, the petitioner and other accused persons on account of previous enmity entered into the house and assaulted his wife and children.

The learned counsel for the petitioner submits that the occurrence took place on 20.03.2018 on 7 PM in the evening. The petitioner is alleged to have given order and the Dipu Shah is said to have assaulted the wife of the informant with lathi but doctor who examined, Asha Devi, the wife of the informant, on 24.03.2018 found that the injuries was caused within 12 hours.



This fact itself shows the falsity of the entire case and there is no allegation of assault. Even the F.I.R was lodged after three days and no plausible explanation was given.

On the other hand, learned APP vehemently opposed the prayer for anticipatory bail but could not be able to show how the doctor found the injury within 12 hours when the injured is said to have been examined on 24.03.2018 although she was assaulted on 20.03.2018.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioner, the petitioner above named in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sheohar in connection with Purnahiya P.S. case No.26 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/Rajan

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