

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31919 of 2019**

Arising Out of PS. Case No.-607 Year-2018 Thana- PATLIPUTRA District- Patna

MAHESH KUMAR @ MAHESH KUMAR RAI (M), aged about 19 years,
Son of Vijay Saw @ Ram Niwas Sah, Resident of Village - Bindgama, P.S.-
Shahpur Patori, Distt.- Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sudhanshu Shekhar, Advocate.
For the Opposite Party : Mrs. Asha Devi, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 14-05-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
19.12.2018 in a case for the offence registered under Sections
448, 354, 354(B) of the IPC, 37(b) and (c) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the informant at
present residing at Mohalla-Indrapuri, Road No. 5, P.S.
Patliputra, in the district of Patna, on rent in the house of one
Mantu Rai. It is alleged that Mahesh Kumar @ Mahesh Kumar
Rai (petitioner) used to come to his neighbour and also used to
tease the daughter of the informant. The informant complained
to the parents of Mahesh Kumar @ Mahesh Kumar Rai



(petitioner) about the occurrence then some days went well and her daughter started studying. On 17.12.2018, the informant and his wife were doing some work outside the house. In the meantime, at about 7.00 P.M., in the evening, daughter of the informant was alone in her house and cooking food, this petitioner came in drunken condition and knocked the door having knife in his hand and said by showing knife to informant's daughter for performing marriage with him otherwise he will kill her and caught her hand and started taking away then nearby people caught this petitioner and handed over to the police.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Petitioner is alleged to have misbehaved with the daughter of the informant in drunken state. No Breath Analyser Test was conducted to ascertain whether the petitioner was in drunken state or not. Due to previous enmity, the petitioner has been made accused in the present case.

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, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna, in connection with Patliputra P.S. Case No. 607 of 2018.

(Sudhir Singh, J)

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