

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65835 of 2018

Arising Out of PS. Case No.-193 Year-2017 Thana- DURAULI District- Siwan

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Balister Gond, Son of Motilal Gond, R/o Village- Mishra Mathiya, P.S.-
Darauli, District- Siwan.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi
For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 05-02-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Darauli P.S. Case no. 193 of 2017, registered under
Sections 323, 354 and 504 of the Indian Penal Code.

The accusation is that while informant was
returning from the market sitting on the motorcycle, which was
being driven by her brother in the evening of 04.09.2017, in the
meantime, her villager Balister Gond (Petitioner) asked to stop
the motorcycle, when her brother stopped the motorcycle, then
petitioner tried to pull her catching her hand on which her
brother made protest, then petitioner took the key of the
motorcycle and assaulted her brother and also laid her on the
ground by catching her hair.

Learned counsel for the petitioner submits that, in



fact, at the time of alleged occurrence, the motorcycle was being driven by the informant rashly on the road in which his motorcycle dashed to the petitioner on which he made protest and also took the key of the said motorcycle and complaint was made, but due to villager dirty politics, the petitioner who is an army personnel has falsely been implicated in this case. Moreover, on investigation, the Police submitted Final Form for the offence punishable under Sections 323 and 504 of the Indian Penal Code, which are bailable in nature, but the learned Magistrate took the cognizance for the offence under Sections 323, 354 and 504 of the Indian Penal Code.

Having regard to 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 Addl. Chief Judicial Magistrate-III, Siwan in connection with Darauli P.S. Case No. 193 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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