

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66148 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- MAHUA District- Vaishali

DEEPAK SAH @ DEEPAK KUMAR Son of Umesh Sah Resident of Village
- Govindpur (Singhara), P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 354, 504 of the Indian Penal Code.

Prosecution case as lodged by the informant is that on 05.01.2019 at about 12 O'clock while she was sitting at her door along with her daughter Fiza Khatoon in the meantime Deepak Kumar (petitioner) in intoxicating conditions came there and put his hand over the body of informant's daughter and misbehaved her. Informant has further stated that she assaulted twice him with Broom. He became furious and trashed on the ground. During rescue he put his hand on the private part of the informant.



Learned counsel for the petitioner submits that on earlier occasion the same informant had lodged Mahua P.S. Case No. 123 of 2017 under Section 366 of the IPC at Annexure-2 to the bail petition against the petitioner for enticing away her elder daughter. He alleged that the informant's elder daughter Asmin Khatoon recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has narrated another story. These facts falsify the informant allegation which shows that informant has a motive to implicate the petitioner in false case. He further submits that I.O. of Mahua P.S. Case No. 123 of 2017 has submitted final form vide charge-sheet no. 280 of 2017 dated 27.09.2017. After submission of charge-sheet, the informant has filed the present case for the purpose of harassing the petitioner. Learned counsel further submits that petitioner has no criminal antecedent except Mahua P.S. Case No. 123 of 2017 under Section 366 of the IPC in which police has submitted the charge-sheet.

In the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur in connection with Mahua Police Station Case No. 18 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

