

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80021 of 2018

Arising Out of PS. Case No.-338 Year-2018 Thana- BAHADURPUR District- Darbhanga

Suman Kumar Jha, Son of Ratnesh Jha, Resident of Village Rampur Madan,
P.S. Bahadurpur, District Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Sri Arun Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-01-2019 Heard both sides.

Petitioner apprehends his arrest in Bahadurpur P.S.
Case No.338 of 2018 registered under Sections 447, 354(A),
354(B), 354(C), 341, 323, 504, 506 and 34 of the Indian Penal
Code.

The informant alleged that on 18.07.2018 the
petitioner went inside the house of the informant and
misbehaved with his niece aged about 15 years. On alarm many
persons came. Only thereafter the petitioner fled away from
there. The informant further alleged that on 22.07.2018 the
petitioner along with other accused persons came to his shop
and assaulted the informant and his nephew. The petitioner also
pointed pistol at the temple of his nephew.

Learned counsel for the petitioner submits that



petitioner happens to be the next door neighbour of the informant. The first occurrence is said to have taken place on 18.07.2018 but no information was given to the police on 18.07.2018 or on the next date. The informant filed application before the Officer-in-Charge on 23.07.2018 but the police officer registered the present case on 22.07.2018. Some altercation took place on account of petty dispute but the informant taking the police officer in confidence lodged this false and frivolous case.

Learned counsel for the informant as well as the learned Additional Public Prosecutor for the State opposed the prayer of anticipatory bail.

Learned counsel for the informant submits that later on some section of the POCSO Act has also been added. The petitioner is alleged to have tried to outrage the modesty of the niece of the informant but it appears from perusal of the record that the petitioner is alleged to have entered into the house of the informant in order to outrage the modesty of the niece of the informant on 18.07.2018 but no information was given. The informant gave information to the police on 23.07.2018 but the present case was lodged on 22.07.2018. Other accused persons have already been granted anticipatory bail.



Having considered the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order 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 the learned S.D.J.M., Darbhanga in connection with Bahadurpur P.S. Case No.338 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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