

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84597 of 2019

Arising Out of PS. Case No.-303 Year-2019 Thana- DUMRA District- Sitamarhi

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ASHARFI RAI @ ASHARFI RAY S/o Raj Kumar Ray @ Raj Kumar Rai
Resident of Ward No.2, P.O. Rasalpur, P.S.- Dumra, Distt- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal
		Mr.Amresh Kumar Sinha
For the Opposite Party/s :		Ms.Puspa Sinha

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-12-2019 Heard learned senior counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Dumra P.S. Case no. 303/2019 registered under sections 354B, 379 and other allied sections of the IPC.

Learned senior counsel for the petitioner submits that instant case is false. F.I.R has been instituted on 05.08.2019, though allegation is that wife of informant, who is teacher of the school in question, on 03.08.2019 has been assaulted and her cloth was torn by some persons including petitioner.

Learned Senior counsel for the petitioner further submits that delay in lodging the F.I.R creates suspicion against the prosecution story. The allegation is palpably false as assault



is attributed to crowd including petitioner at the gate of the school. However, none has come forward to object to such occurrence. In fact, daughter of the petitioner was brutally beaten by the informant on 03.08.2019 itself and the teacher has resorted to preemptive accusation against the petitioner.

Prior to the instant case, petitioner has no criminal antecedent and there is counter version of the same occurrence bearing Dumra P.S. Case no. 319/2019 which was subsequently instituted by the petitioner.

Learned A.P.P. opposes the prayer for bail.

Considering the aforesaid submissions, prayer for anticipatory bail is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in Dumra P.S. Case no. 303/2019 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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