

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10963 of 2020

=====

Bhola Sah son of Nathuni Sah resident of village-Suryapura, Police Station-Mairwa,
District-Siwan

..... Petitioner

Versus

The State of Bihar

..... Opposite party

=====

Appearance

For the Petitioner/s : Mr. Shambu Prasad Yadav , Advocate

For the State : Mr. Pramod Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 03.09.2020 Heard learned counsel for the petitioner and learned A.P.P
for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Mahila P.S. Case No.57 of 2019 registered under sections 376, 354, 511, 323, 452, 379 and 34 of the Indian Penal Code.

As per allegation in the F.I.R, it is stated by the informant that the petitioner entered her house, tore her clothes and start to assault her. It is further stated that on her mother-in-law and others coming to her rescue, they were also beaten up. It is further stated that she went to the Police Station where her



statement was recorded and she was given treatment at the Government Hospital. However, as the police did not register the case, as such the complaint was being filed. On the direction of the Court, the F.I.R. was registered on 6.8.2019.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the F.I.R. are false and concocted. While the occurrence is alleged to have taken place on 10.5.2019, the complaint was filed after an unexplained delay of 13 days on 23.5.2019 and the F.I.R. registered on 6.8.2019. It is further submitted that the petitioner and the informant happen to be next door neighbours and there is admitted land dispute between the parties. Even from the injury report of the informant which has been brought on record as Annexure-2 to the petition, the injuries have been found to be simple in nature. No case under sections 376/511 of the Indian Penal Code is made out against the petitioner. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and on going through the records of the case it transpires that while the occurrence is stated to have been taken place on 10.5.2019, as per the case of the complainant she had gone to the Police



Station on the same day. She further states that from the Police Station she had been sent to the Government Hospital for treatment and as part of the complaint she has brought on record a copy of the medical report, also dated 10.5.2019 which mentions about her having suffered assault. Further from perusal of the F.I.R., it would transpire that not only the petitioner is named therein but there is direct allegation against him and the same is supported by the injury report wherein, in the opinion of the doctor, the injuries were caused by hard and blunt substance also on the thigh of the informant.

In view of the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail and the same is rejected.

(Partha Sarthy, J)

Bibhash

U	T	
---	---	--

