

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17848 of 2020**

Arising Out of PS. Case No.-20 Year-2020 Thana- PHULWARISHARIF District- Patna

Baiju Rai, S/o Ram Narayan Rai, Resident of Village- Balamichak, P.S.-
Phulwarisharif, Distt- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sudish Kumar, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-06-2020 This application has been placed for consideration
by the order of the Hon'ble the Chief Justice through virtual
court proceeding.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Phulwarisharif P.S. Case No. 20 of 2020
registered for the offences punishable under Sections 341, 323,
337, 338, 376, 511, 506 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that though
the alleged occurrence is said to have taken place on 11.07.2020
at about 1.30 P.M. but the occurrence was reported to the police
station on the next day without there being any explanation and



further that the informant has herself stated in course of investigation that she had only minor injury for which she had taken medicine from medical hall and that there was no requirement of treatment.

Learned counsel further submits that the allegation against the petitioner that he had tried to outrage the modesty of the informant are only false and concocted as also baseless as the parties are next door neighbours and they had a quarrel over removal of a wall which was in a dilapidated condition and the petitioner was asking for the husband of the informant to remove the said wall. Learned counsel submits that petitioner has one criminal antecedent of a case under the Excise Act in which he is on bail.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of the learned counsel for the petitioner that although the alleged occurrence is said to have taken place on 11.07.2020 at about 1.30 P.M. but the occurrence was reported to the police station on the next day without there being any explanation and further that the informant has herself stated in course of investigation that she had only minor injury



for which she had taken medicine from the Medical Hall that there was no requirement of treatment and further submission that the allegation against the petitioner that he had tried to outrage the modesty of the informant are only false and concocted as also baseless as the parties are next door neighbours and they had a quarrel over a wall which was in a dilapidated condition and the petitioner was asking for the husband of the informant to remove the said wall, petitioner has one criminal antecedent of a case under the Excise Act in which he is on bail and there being no other material, let the petitioner above-named be released on bail in connection with Phulwarisharif P.S. Case No. 20 of 2020 on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

