

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24809 of 2020

Arising Out of PS. Case No.-2845 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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BRAHAMDEO SAHANI S/o- Bindeshwar Sahani Resident of Village-
Rosrapokhar, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niro Devi Wife of Satya Narayan Sahani Resident of Village- Rosra Pokhar,
P.S.- Gaighat, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Iftkar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 16-10-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 2845 of 2017 (Tr. No. 1141 of 2019) registered under sections 376/511 of the Indian Penal Code. Cognizance has been taken in the case under sections 447 and 354 of the Indian Penal Code.

As per allegation in the complaint, it is stated by the complainant that on the date of occurrence, the petitioner who happens to be the maternal uncle of the complainant's husband made an attempt to outrage her modesty. It is further stated that on her shouting, her in-laws came and saw the petitioner running away in light.

It is submitted by learned counsel for the petitioner that the complainant's husband happens to be the neighbour of



the petitioner as also the daughter in-law of his sister. Petitioner has been falsely implicated over a dispute relating to usage of a government land. It is submitted that the relationship between the parties are such that the allegations are preposterous. The petitioner has no criminal antecedent.

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

Having heard learned counsel for the parties and taking into consideration the nature of the allegations together with the relationship between the parties and the case of the complainant having been supported by her mother-in-law who happens to be the sister of this petitioner, the Court is not inclined to enlarge the petitioner on anticipatory bail and as such his application for bail is rejected.

However taking into consideration the facts and circumstances of the case, if the petitioner surrenders within a period of eight weeks from today and prays for bail, the learned Court below shall consider the application without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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