

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28853 of 2020

Arising Out of PS. Case No.-170 Year-2017 Thana- BUXAR COMPLAINT CASE District-
Buxar

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MD. EHSAN KHAN @ EHSAN AHAMAD Son of Samser Khan Resident of
Village - Naya Bhojpur, P.S.- Dumraon, District - Buxar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jahanara Khatoon @ Guddy Wife of Md. Ehsan Khan @ Ehsan Ahamad
Resident of Village - Naya Bhojpur, P.S.- Dumraon, District - Buxar. At
present Resident of Village - Khajpura, P.S.- Balia, District - Balia (U.P.)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramakant Yadav,Advocate
For the Opposite Party/s : Mr. Kumar Ranjeet Rajak, A.A.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-12-2020 The present petition has been taken up for consideration

through the mode of Video conferencing in view of the

prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

Heard the learned counsel appearing for the petitioner and

Shri Kumar Ranjeet Rajak, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with

Complaint Case No. 170(C) of 2017 for the offence punishable

under Sections 323, 354(B) and 379 of the Indian Penal Code.

The accusation is regarding the accused persons including

the petitioner herein having misbehaved with the opposite party



no. 2 i.e. the complainant herein. It is alleged that the complainant along with her mother had gone to the concerned police station for the purposes of conciliation/mediation, however, they were sitting there whole day without any progress in the matter of counseling and when the conciliation had finally taken place, the Officer In-Charge had pressurized the complainant to settle the case. Lastly, it is alleged that the Officer In-Charge had then thrown a shoe on the mother of the complainant and ousted the complainant and her mother from the campus of the police station.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that the complainant has filed several cases against the petitioner and in fact the petitioner is also abiding by the orders passed by various Courts and is paying maintenance regularly. It is also submitted that a false and concocted allegation has been levelled against the petitioner herein only with a view to harass the petitioner, who happens to be the husband of the complainant.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



considering the submissions made by the learned counsel for the petitioner and taking into account the fact that a general and omnibus allegation has been levelled against the petitioner and in fact the petitioner is stated to be complying with the various orders passed by various Courts, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Complaint Case No. 170(C) of 2017 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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