

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33926 of 2020**

Arising Out of PS. Case No.-425 Year-2019 Thana- JAYNAGAR District- Madhubani

Santosh Yadav @ Santosh Kumar Yadav, aged about 25 years, Male, Son of Late Suraj Narayan Yadav Resident of Village-Bengra Parasa, P.S. Jay Nagar, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate
For the State : Ms. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 13-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Rakesh Kumar Sharma, learned counsel for the petitioner and Ms. Gulnar Begum, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Jaynagar PS Case No. 425 of 2019 dated 22.08.2019, instituted under Sections 341/323/324/354B of the Indian Penal Code.

4. The allegation against the petitioner is that he used vulgar language in front of the informant and tried to outrage her modesty but on cry raised by her he hit her by *hasua* causing injury.

5. Learned counsel for the petitioner submitted that the



petitioner has been falsely implicated and the present case is a counter case to the case lodged by the mother of the petitioner against the father of the informant alleging that he had abused her and tried to rape her but because the local SHO of the PS was a friend of the father of the informant, he delayed in lodging of the FIR. It was submitted that the petitioner has no criminal antecedent.

6. Learned APP, from the case diary, submitted that the injury of lacerated wound on the head has been found which corroborates the factum of assault. It was further submitted that witnesses have supported the prosecution story that the petitioner tried to outrage the modesty of the informant. Learned counsel further submitted that neither there is any motive given nor there was past enmity, and, thus, there was no reason for the informant to lodge this false case. It was pointed out that the counter case in fact is a counter blast to the present case and has been instituted on behalf of the petitioner's side only to create a defence and is only a wild allegation, because the local SHO was a friend of the father of the informant the case was not lodged, for the reason that had it been true, the case would not have been lodged but the case being lodged itself shows that there was no such *mala fide* on behalf of the local SHO. It was



further submitted that the counter case by the mother of the petitioner has been lodged after one day.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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