

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22170 of 2021

Arising Out of PS. Case No.-565 Year-2019 Thana- NAWADAH COMPLAINT CASE
District- Nawada

Subodh Yadav, Son Of Balchand Yadav Resident Of Village - Khadsari, P.S.-
Kawakole, Distt.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uganta Devi W/o Nagina Yadav Resident of Village - Khadsari, P.O.-
Khadsari, P.s.- Kouwakol.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad- Advocate
For the State	:	Mr. Ajay Kumar No.2- A.P.P.
For the O.P. No.2	:	Mr. Birendra Kumar- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 323, 504, 452, 380, 354(B), 34 of the Indian Penal Code and Section 27 of the Arms Act in which the learned Court below has taken cognizance under Sections 323, 504, 451, 341, 354 of the I.P.C.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the complainant alleges that while she was doing her domestic work in her house when all the accused persons including the petitioner armed with the weapons entered her house and started abusing her. It is



next alleged that the accused persons also assaulted her by means of fists and slaps and the petitioner tore sari and blouse of the complainant with bad intention. It is next alleged that the alleged that the accused persons also snatched her ear-ring and took away household articles including cash of Rs.10,000/-. It is next alleged that petitioner had earlier outraged the modesty of her daughter for which, a panchayati was called by the villagers.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He is a person with clean antecedent and as such, the allegation that previously, he had outraged the modesty of the daughter of the present complainant stands belied. It is next submitted that if what has been alleged in the complaint is true, then the complainant should have instituted an F.I.R. and if police did not take the F.I.R., then she should have taken recourse to all the provisions envisaged under the law for instituting an F.I.R., but the institution of a complaint case in itself demonstrates that the complainant was side away from the investigation as the complaint is completely silent that despite her efforts to keep an F.I.R. instituted, the F.I.R. was not instituted.

The learned counsel for the complainant/ opposite party no.2 as well as learned A.P.P. opposes the bail application,



but is not in a position to rebut the submission of the learned counsel for the petitioner that if what has been alleged in the complaint is true, then why an F.I.R. was not instituted when the modesty of the daughter of the complainant was outraged by this petitioner on earlier occasion.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No.565 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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