

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40972 of 2021**

Arising Out of PS. Case No.-33 Year-2020 Thana- MAHILA P.S. District- Vaishali

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Raja Rai @ Raja Kumar Son of Sri Rambalak Rai Resident of village - Alipur
Mukund, P.S. - Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate.

For the Opposite Party/s : Mr. Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 06-06-2022 Heard Mr. Ajay Thakur, learned counsel for the
petitioner and Mr. Yogendra Kumar Singh, learned Additional
Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

The petitioner apprehend his arrest in connection with
Mahila P. S. Case No. 33 of 2020 registered for the offences
punishable under Sections 354(A), 354(B), 509, 341, 323, 504,
506 and Section 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
17.08.2020 at about 05:00 P.M. while the husband of the
informant had gone to sprinkle compost in the field, the



petitioner entered in her house and started misbehaving with her and also tore her cloths. It is also alleged that she assaulted the petitioner on his hand due to which he received injuries and fled away.

At the outset, learned counsel for the petitioner submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioner submits that with regard to the occurrence which is said to have taken place on 17.08.2020, the present F.I.R. has been instituted on 28.08.2020 but no plausible explanation has been given for lodging the F.I.R. after a delay of eleven days. It is next submitted that both the parties are agnates and prior to the institution of the present case this petitioner had lodged Mahua P.S. Case No. 473 of 2020. A copy of which has been annexed as annuxure 2 to this application. It is also submitted that on bare perusal of the F.I.R. instituted by this petitioner, it transpired that on 17.08.2020 on about 05:00 P.M. itself, the petitioner was assaulted by the husband of the informant with dagger and he received injuries on his hand and for the said occurrence, the F.I.R. has been instituted but only with oblique motive in order to save her husband and with a view to put



pressure upon the petitioner and his family members, the present F.I.R. has been instituted. It has lastly been submitted that the petitioner has absolutely clean antecedent.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that this petitioner has tried to outrage the modesty of a woman and as such, he does not deserve to privilege of anticipatory bail.

Having considered the submissions made on behalf of the parties and taking into account the force in the submissions made by learned counsel appearing on behalf of the petitioner that the present case is instituted with oblique motive in as much as earlier this petitioner has instituted Mahua P. S. Case No. 473 of 2020 on 20.08.2020 with specific allegation that the husband of the informant assaulted him and in the said occurrence he has also received injury. Apart from the fact that the petitioner has clean antecedent, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Vaishali at Hajipur in connection



with Mahila P. S. Case No. 33 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioner.
- (ii) The petitioner will co-operate in the investigation as well as in conclusion of the trial.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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