

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41657 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

Saroj Harijan, Son of Late Ganauri Harijan @ Ganauri Das, Resident of
Mohalla- Hassanganj, Police Station - Mojahidpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mojahidpur P.S. Case No. 265 of 2020 registered for the alleged offences under Sections 498(A), 326(A) and 376(g) of the Indian Penal Code.

The prosecution case is that the petitioner caused injuries on his wife, informant herein, by throwing acid on her. Further, the petitioner lost her in gambling and consequently allowed her to be raped by 5-6 persons.

The learned counsel for the petitioner submits that the



allegations are completely false and petitioner has been falsely implicated in this case. The informant herself put acid on herself and she was got treated by the petitioner in hospital. The allegations about torture or using the informant in gambling or allowing her to be raped by 5-6 persons are not believable as no case has been registered prior to the present FIR. The petitioner is in custody since 14.12.2020.

Learned APP opposes the prayer for bail submitting that witnesses in paragraphs 34 and 35 have supported the prosecution case. Learned APP further submits that the victim in her statement under Section 164 Cr.P.C. has also supported the prosecution case.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that allegation of rape is apparently not supported by material on record except the statement of the informant though a number of burn marks are present over the body of the informant and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief judicial Magistrate, Bhagalpur in connection with



Mojahidpur P.S. Case No. 265 of 2020, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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