

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45392 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- AMNAUR District- Saran

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Tarkeshwar Rai @ Tarkeshwar Kumar Son Of Nanhu Prasad R/O Village-
Khaspatti, P.O. And P.S.- Amnour, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Amnaur P.S. Case No. 148 of 2022 registered for the offences
punishable under Sections 341, 323, 324, 307, 354(B), 504, 506
and 34 of the Indian Penal Code and Sections 8 and 12 of the
POCSO Act.

As per the prosecution, the informant's minor
daughter aged about 17 years was molested and assaulted by
this petitioner by means of knife resulting in several injuries at
the victim's chest and hand.



The main submissions advanced by the learned counsel Mr. Chandra Shekhar Singh appearing for the petitioner are that both the parties are agnates(*Gotiya*), in between them there was a dispute of a road connecting their houses and the allegation of assault by using sharp weapon knife made in the FIR is completely false as the doctor concerned who examined the victim did not find any sharp cut injury on the body of the informant's grand daughter and according to medical expert's opinion only three injuries were found on the person of the victim and all of them were opined to be simple in nature and caused by hard and blunt object.

Learned APP Mr. Tarun Prasad Mandal appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the injury report of the victim filed as Annexure-2. As per the allegation made in the FIR the petitioner firstly misbehaved with the informant's grand-daughter and tore her clothes and thereafter inflicted three knife blows at her person when she made resistance and against the petitioner there is a specific allegation of causing three knife injuries to the victim but the doctor's opinion who examined the victim completely goes against the said allegation and according to injury report of the



victim three injuries found on her person have been opined to be simple in nature and caused by hard and blunt object and the said medical opinion is complete contradictory to the allegation made in the FIR and out of these injuries two have been found as abrasion and body ache. Considering the serious contradiction between the allegation of having inflicted knife injuries made in the FIR and the medical expert's opinion regarding the nature of injuries and also considering petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Amnaur P.S. Case No. 148 of 2022.

(Shailendra Singh, J.)

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