

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55636 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- DIGHALBANK District- Kishanganj

GUL MOHAMMAD Son of Late Noor Alam R/O- Village- Kutwavitta, P.S-
Dighalbank, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in a case registered for
offence punishable u/s 448, 341, 323, 354 (B), 379, 504, 34 of the
IPC.

Allegedly, petitioner entered the house of the informant and
molested her daughter. He also disrobed her. All the accused
persons along with petitioner assaulted the informant and his son.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He has
been falsely implicated in this case due to enmity. No such
occurrence, in the manner as alleged, has ever taken place. The
allegation leveled against the petitioner in the alleged FIR is
totally false, concocted. It is further stated that the informant and
her family members have greedy eyes on a piece of land belonging



to the family of the petitioner. Petitioner and the informant are the co-villagers, due to land dispute and enmity between the parties, the entire family members of the petitioner have been falsely implicated in the instant case. According to FIR, the occurrence took place on 30.04.2022 but the FIR lodged on 20.05.2022 without any explanation for delay. This created serious doubt in prosecution story. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is delay in filing of FIR, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Dighalbank P.S. Case No.76 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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