

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26567 of 2023

Arising Out of PS. Case No.-272 Year-2022 Thana- BAHERA District- Darbhanga

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Gopal Jha @ Gopal Kumar Jha S/O Prafullachandra Jha R/O Village- Balha
Benipur, P.S- Bahera, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Bahera P.S. Case No.272 of 2022, registered for offences under Sections 341, 323, 307, 354B/34 of the IPC.

The allegation is regarding the accused persons, including the petitioner herein, having intercepted the informant while she was going towards the temple along with her brother, and then they had taken her inside the bushes and had



molested her, however, when her brother had tried to save her, they had assaulted him, however, upon alarm being made, the villagers had arrived, leading to the accused persons, including the petitioner herein having fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that superficial allegation has been levelled against the petitioner and the impugned order dated 15.11.2022 would show that the brother of the informant has sustained simple injuries. It is also submitted that the present FIR has been lodged on account of the co-accused person, namely, Bikram Singh having dashed his motorcycle with that of the brother of the informant, resulting in the motorcycle of the brother of the informant being damaged.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the injuries sustained by the brother of the informant is simple in nature, and moreover, superficial sort of allegation has been levelled by the informant of the present case, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Benipur, Darbhanga in connection with Bahera P.S. Case No.272 of 2022, subject to the conditions as laid



down under Section 438(2) of the Code of Criminal
Procedure.

(Mohit Kumar Shah, J)

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