

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45694 of 2023

Arising Out of PS. Case No.-296 Year-2023 Thana- SHASTRINAGAR District- Patna

Sanjay Sharma Son Of Late Ravindra Singh, Resident Of Mohalla- Ravindra
Billa, Brahamyasthan Path, Raja Bazar, P.S.- Shastrinagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Raj Krishna Jha, Advocate
For the Opposite Party/s :	Mr. Shailendra Kumar, APP
For the Informant :	Mr. Dewendra Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-08-2023 Heard learned Counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Shastrinagar P.S. Case No. 296 of 2023 registered on 17.03.2023 for the offences punishable under Sections 448, 341, 342, 323, 354, 504, 506 and 509 of the Indian Penal Code.

3. As per the F.I.R., the informant has alleged that the accused petitioner trying to make bad comments and used to put bad eyes on her. It has been specifically alleged that on the night of 17.03.2003 at about 9.00 p.m. the petitioner entered in her house and started to outrage her modesty. Upon her crying, the petitioner started fleeing from the house but near main gate he

fell down. Subsequently, the staffs of her husband reached in the house, and she visited to the police station to lodge the FIR with them. The informant has taken the plea that the said petitioner may do any wrong with her or her family, therefore, she demanded the protection of life and liberty of her family.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the present case has been filed only with a view to save the skin of the wrong committed by the husband of the informant and his ten staffs/friends from the offence committed with the petitioner, who entered in the house of the petitioner and assaulted him but anyhow due to interference with the wife of the petitioner, his life was saved. Counsel further submits that in this regard the petitioner has filed a criminal case bearing Shastrinagar P.S. on 17.03.2023 which was registered as Shastrinagar P.S. Case No. 295 of 2023. Counsel further submits that the husband of the informant is an influential doctor and it is due to this reason, instead of the fact that injuries to the petitioner shown in the report of doctor as vital part, the case has been lodged in bailable offences, whereas F.I.R. on the behest of informant has been lodged under those sections which are non bailable in nature. Counsel further submits that due to

his injury, the petitioner got check up his eyes before Indira Gandhi Institute of Medical Sciences and from the report, it shall very much clear that how the cut marks are there on the face.

5. Counsel for the petitioner further submits that antecedent of the petitioner is clean, he is a law abiding citizen and there is a case and counter case from both the sides.

6. Learned APP for the State opposes the prayer for bail.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is a specific allegation against the petitioner to outrage the modesty of a woman who is lonely present in the house and the offence in which F.I.R. has been lodged are non-bailable in nature.

8. In the aforesaid facts and circumstances and the submissions made above, let the above-named petitioners be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Patna in connection with Shastri Nagar P.S. Case No. 296 of

2023, subject to the conditions as laid down under Section
438(2) of the Cr.P.C..

(Dr. Anshuman, J.)

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