

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50721 of 2023

Arising Out of PS. Case No.-426 Year-2022 Thana- KONCH District- Gaya

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Lalan Sharma, aged about 42 years, male, son of late Babulal Sharma,
resident of village- Gajipur, PS- Konch, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Konch PS Case No.426 of 2022 dated 14.09.2022, instituted
under Sections 354-B of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence in the evening when the informant had gone
outside the house to attend the call of nature, the petitioner tried
to outrage her modesty and tore her blouse but the informant
anyhow saved herself and fled away from the place of
occurrence. Upon the *hulla* raised by the informant after
reaching her house, the petitioner, his wife and son came to her
house and abused her as well as threatened to kill her.

4. Learned counsel for the petitioner submits that
petitioner is the cousin of the informant's husband and there is a
dispute between the parties with regard to drainage of the water.



It is further submitted that the house of both the parties are adjacent to each other. It is also submitted that in the year 2020, the informant and her husband had brutally assaulted the petitioner and earlier the petitioner had given several applications to the District Magistrate, SDO and the concerned police station against the informant and her husband. It is further submitted that occurrence is of 12.09.2022 but the FIR has been lodged after two days on 14.09.2022. Lastly, it is submitted that the petitioner has clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Gaya, in Konch PS Case No. 426 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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