

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58874 of 2023

Arising Out of PS. Case No.-1240 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Sanjay Singh S/O- Jugo Singh Village- Ratgaon Navanagar W.no-10, Ps-
Teghra Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Beauti Kumari wife of Santosh Singh Village- Ratgaon Nayanagar W.No-10,
Ps- Teghra Dist- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 Heard Mr. Amrendra Kumar, learned counsel

appearing on behalf of the petitioner and the learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Petition No. 1240 (C) of 2022, wherein
cognizance has been taken for the offences punishable under
Sections 323, 379 and 354 (B) of the Indian Penal Code.

3. The allegation against the petitioner is of
misbehave with the complainant, while she was sleeping in her
house. It is further alleged that this petitioner allegedly outraged
the modesty of the complainant by making all sort of indecent
behaviour.



4. Learned counsel appearing on behalf of the petitioner submits that from the narration of the FIR, it is evident that with regard to an occurrence which took place on 08.07.2022, the complaint has been filed on 14.07.2022. He further submits that prior to the institution of this complaint, the petitioner had filed a criminal case vide Teghra P.S. Case No. 191 of 2022 against the complainant and others, which fact has also admitted in the complaint petition itself. That apart, earlier also the cousin of the petitioner had filed a criminal case vide Teghra P.S. Case No. 114 of 2010 against the complainant, her husband and others, wherein the petitioner was one of the witness. Moreover, the petitioner and the complainant are neighbours and there is a long standing dispute and in this premise, this complaint has been filed only with a view to wreck her vengeance and spite the petitioner by filing a false case. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that serious allegation of outraging the modesty of the complainant has been levelled against the petitioner.



6. Regard being had to the submissions made on behalf of the parties and considering the delay in filing of the complaint and the fact that prior to the institution of this complaint, the petitioner had filed criminal case against the complainant and others, coupled with the fair antecedent, let the petitioner above named be released on 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, 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 1st Class, Begusarai in connection with Complaint Petition No. 1240 (C) of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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