

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64785 of 2023

Arising Out of PS. Case No.-336 Year-2022 Thana- SARAI RANJAN District- Samastipur

Ganesh Sahni Son of Bhekha Sahni Resident of Village Ahamadpur, P.S.-
Sarairanjan, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 19-10-2023 Heard Pramod Kumar Singh, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Sarairanjan P.S. Case No. 336 of 2022, registered for the
offences punishable under Sections 376, 452 / 34 of the Indian
Penal Code.

3. The allegation against the petitioner is of outraging
the modesty of the victim informant while she was sleeping in
her house. On protest being made all the other accused persons
came their and started abusing the informant. It is also alleged
that co-accused Anil Sahni has made open firing.

4. It is submitted on behalf of the petitioner that the
allegedly, the occurrence took place on 31.01.2020 but the



complaint was instituted on 16.01.2021 and later on the same was sent to the concerned police station for institution of the FIR after lapse of 11 months. He further submits that even after the allegation made in the complaint no case much less under Section 376 of the Indian Penal Code is made out. That apart, there is a dispute pending between the parties for partition of homestead land and only on account to settle the dispute between the parties the present complaint has been instituted. It is lastly submitted that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that specific allegation has been levelled against the petitioner of outraging the modesty of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in instituting the complaint and the nature of allegation levelled in the backdrop of land dispute 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 Additional Chief Judicial Magistrate – III, Samastipur in connection with Sarairanjan P.S. Case No. 336 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)

saaurabhkr/-

U		T	
---	--	---	--

