

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74042 of 2022

Arising Out of PS. Case No.-2005 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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BUDHAN CHOUDHARY SON OF SRI KAPILESHWAR CHOUDHARY
R/O VILLAGE- BELSANDI, P.S.- CHAKMEHSI, P.O.- BELSANDI,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BABY DEVI WIFE OF GANESH THAKUR R/O VILLAGE AND P.O.-
BELSANDI, DISTRICT- SAMASTIPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.
For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-03-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 147, 323, 354, 379, 504 IPC.

As per the prosecution case, at the first instance,
petitioner touched the daughter of the complainant with bad
intention and on alarm, he assaulted the complainant and her
daughter. Thereafter, next morning, petitioner along with six
other accused persons came to the house of complainant and
again assaulted them with lathi, fists and slaps.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to enmity. No such
occurrence, in the manner as alleged, has ever taken place. It is



submitted that the alleged occurrence is said to have taken place on 23.09.2018 but the F.I.R. was lodged on 29.11.2018, i.e. after delay of more than two months, without giving any plausible explanation, which itself creates doubt about the prosecution case. It is further submitted that for the same offence, the complainant has filed one Chakmeshi P.S. Case No.185/2021 against the petitioner and others. Petitioner has one criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the delay in lodging the F.I.R., let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.2005/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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