

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26112 of 2024

Arising Out of PS. Case No.-672 Year-2022 Thana- MANER District- Patna

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Gauri Shankar Noniya @ Gauri Shankar Chauhan S/O Late Chanarik Chauhan R/O Village- Sherpur, P.S- Maner, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra
For the Opposite Party/s : Mr.Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-07-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Mr. Rabindra Kumar.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and informant alleges that on 16-9-2022 at 8:00 pm, on account of dispute relating to sewerage, the accused persons including petitioner came and started abusing and when the same was objected by the informant, it is alleged that Gauri Shankar, Ramashankar and Uma Shankar started behaving inappropriately with the informant and snatched her ear-rings and when her daughter, Kiran, came to save her, she was assaulted on account of which



she became unconscious, thereafter the mother-in-law of the informant was also assaulted. It is also alleged that petitioner assaulted the mother-in-law of the informant by an iron rod causing injury.

4. Learned counsel for the petitioner submits that from perusal of the FIR, it would manifest that the date of occurrence is 16-9-2022 and the FIR was instituted on 20-9-2022 and was sent to the court on 23-9-2022, i.e., the FIR was instituted after a delay of four days and after its institution, the same was sent to the court after a further delay of three days, which casts an aspersion on the case of the prosecution. It is next submitted that the case diary was called for by an order dated 9-5-2024.

5. Learned A.P.P., Mr. Rabindra Kumar, after perusing the case diary submits that there is no injury report of the injured in the case diary, on which the learned counsel appearing on behalf of the petitioner submits that no doubt an altercation had taken place in between the side of the petitioner and the informant on account of dispute relating to sewerage, but then the FIR was instituted by exaggerating the allegations, it is also submitted that had the mother-in-law of the informant been assaulted in the manner as alleged then definitely the FIR would



have been instituted at the hospital but then the instant FIR came to be instituted based on a written application of the informant, which further casts aspersion on the case.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Maner P.S. Case No. 672 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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