

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30438 of 2024

Arising Out of PS. Case No.-147 Year-2023 Thana- BALIA BELON District- Katihar

Amit Rai Son of Basudeo Rai Resident of Village- Mallikpur, P.S- Balia Belon, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in connection with Balia Belon P.S. Case No.147 of 2023 instituted under Sections 341, 323, 307, 354B, 504, 506 and 34 of the Indian Penal Code.

3. The allegation against the petitioner, as per prosecution case, is that he came to the informant's house and dragged her in intoxicated condition and also outraged her modesty and he also outraged the modesty of her daughter-in-law. It is further alleged that the other co-accused persons arrived at the place of occurrence and assaulted the informant as well as family members and also took away her ornaments.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Both parties are next door neighbour and there is previous enmity



between them. There is case and counter case between the parties. He further submits that there is delay of ten days in lodging FIR by the informant which creates doubt in the prosecution case. There is no specific allegation of assault against the petitioner and the allegation of outraging the modesty of the informant and her daughter-in-law is ornamental. Petitioner has two criminal antecedents out of which in one case he has been acquitted and in another case, he is on bail. The petitioner undertakes to cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering 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 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Katihar, in connection with Balia Belon P.S. Case No.147 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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