

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34579 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

Vaseem Khan @ Wasim Khan, Son of Nijamu Khan, R/o Village - Chehariya,
P.S. - Durgawati, District - Kaimur, Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Kumar Sunil, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Durgawati P.S. Case No. 340 of 2023 registered for the offences punishable under Sections 147, 341, 323, 354 and 504 of the Indian Penal Code.

3. Allegedly, while the informant was going to school to perform her teaching work, in the meantime, all the FIR named accused persons including the petitioner intercepted her and the petitioner tried to outrage her modesty and tore her clothes. When the family members and others came to her rescue, the accused persons assaulted them due to which they sustained injuries.

4. Learned counsel for the petitioner contended that,



in fact, the informant has not come to the Court with clean hands, inasmuch as certain material facts have been suppressed. The petitioner is none else but the brother-in-law of the informant and there is a long-standing dispute between both the families, which resulted into lodging of the instant case. Learned counsel for the petitioner further contended that the date of occurrence is said to be on 29.09.2023 whereas the present FIR has been instituted on 04.10.2023 after a delay of five days without there being any plausible explanation. In order to support his contention of pending long-standing dispute, the learned counsel for the petitioner also submitted that Title Suit No. 16 of 2000 is also pending adjudication till date. It is lastly contended that now a Panchayati has taken place and both the family members sat together and took a decision to settle the matter outside the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that specific allegation against the petitioner has been levelled that he outrage the modesty of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that the petitioner and the informant are



brother-in-law and *Bhabhi* respectively, coupled with the factum of long-standing dispute and the fair antecedent of the petitioner, 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Mohania, Kaimur (Bhabua) in connection with Durgawati P.S. Case No. 340 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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