

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45915 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- PARAIYA District- Gaya

Mahesh Sao S/o Late Puran Sao R/o Village-Bagahi Bakepur, P.S.-Paraiya,
District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Adv.

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Paraiya P.S. Case No. 32 of 2024 for the offence under Sections 341, 342, 323, 354, 379, 308 and 34 of the I.P.C. lodged on 22.01.2024 by the informant, Koshmi Devi.

3. As per the prosecution story, the informant alleged that the petitioner was erecting pillar on her land and when the daughter opposed, she was assaulted. Later, when the informant reached home and the daughter was explaining about the occurrence, allegation is that accused again came to their house and assaulted the daughter causing fracture in her leg. Against the petitioner, there is specific allegation of assault on her head by *Khanti* causing injury. Then there is also the allegation of outraging the modesty as also snatching of the *Mangal Sutra*. She was rushed to the Primary Health Center, Paraiya and then Magadh Medical College, Gaya for treatment. Accordingly, the F.I.R.



4. Learned counsel for the petitioner submits that there is delay of five months in lodging of the F.I.R. inasmuch as the occurrence took place on 23.08.2023 while the F.I.R. was lodged on 22.01.2024. The further submission is that despite she being in the hospital, no F.I.R. was lodged.

5. Learned APP opposes the prayer the submits that though, there is delay in lodging of the F.I.R., the perusal of the learned Sessions Judge order would show that the lady sustained injuries on her head, as also the left lower leg. Though, the injury has been found to be simple in nature. So far as this petitioner is concerned, allegation is of assault on the head which has been found to be 3"x1/2"x1/4".

6. Considering the aforesaid allegation that has come against the petitioner of assaulting the girl, firstly, on the land which belongs to the informant and thereafter in the house, it would be appropriate that he seeks bail, this Court is not inclined to extend him the privilege of anticipatory bail which is accordingly rejected .

7. If, however, the petitioner surrenders within a period of four weeks from today, the same shall be taken up and disposed of preferably on the same day.

(Rajiv Roy, J)

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