

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61835 of 2023

Arising Out of PS. Case No.-383 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Bibhu Bhushan Srivastava @ Bibhuranjan Prasad Srivastava (Male), aged about 55 years, Son of Late Ramdeo Prasad, Resident of Village - Chandmari, Near-Sapahi Devi Mandir, Balua Tal, P.S. - Motihari Town, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ravi Kumar, Advocate

For the Opposite Party : Mr. Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 23-01-2024 This matter has been listed under the heading
“For Orders (on office notes)”.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

4. The petitioner is apprehending his arrest in connection with Motihari Town P.S. Case No. 383 of 2023 dated 20.05.2023 registered for the offences punishable under Sections 341, 323, 354, 447, 500, 504 and 506 of the



I.P.C.

5. As per the prosecution case, on 17.05.2023 at 8.30 A.M. the informant was standing at her Darwaza and waiting for sweeper, in the meanwhile, the petitioner who was washing his vehicle on the opposite side of the road in front of her Darwaza, seeing the informant said that his day would be bad after seeing the dustbin and started abusing her and ran for assaulting her. The informant was pregnant for six months so that she could not run. The petitioner caught hold of her hairs and trashed on the handpump, due to that, handpump had broken and she sustained injuries in her stomach and back side and also pain is started in her stomach. The local people came and saved her. It is further alleged that the petitioner is a man of criminal nature. It is further alleged that several people who were present at the place of occurrence saw the said occurrence. The CCTV Camera is also installed in front of her house so that occurrence may be verified from the CCTV footage.

6. Vide orders dated 23.11.2023 and 07.12.2023, injury report of the informant was called for from the Superintendent of Police, East Champaran, Motihari. In



pursuance of the same, a Memo No. 695/Vidhi dated 07.12.2023 has been received to this Court. From perusal of the said memo, it appears that the informant was medically examined by Dr. Rahul Kumar, Areraj, East Champaran. When the I.O. demanded injury report of the informant from Dr. Rahul Kumar then he said that he prescribed medicine on the prescription and he has no record. He further said that the informant went after treatment of normal pain and he has refused to give injury report of the informant to the I.O.

7. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the informant was residing in a rented house which was jointly occupied by the petitioner and his own younger brother and there is dispute between the petitioner and his brother for keeping garbage near the door. It is further submitted that from CCTV footage, it is quite clear that no occurrence took place between the parties. Hence, no offence is made out against the petitioner. It is further submitted that the present occurrence took place on 17.05.2023 and the F.I.R. has been



registered on 20.05.2023 after a delay of three days for which no explanation has been given by the prosecution. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

8. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

9. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, East Champaran, Motihari, in connection with Motihari Town P.S. Case No. 383 of 2023 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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