

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69722 of 2024

Arising Out of PS. Case No.-285 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Lalchandra Sharma @ Lalchand Sharma Son of Syas Sharma @ Biyas Sharma @ Vyas Sharma R/O address given in the FIR Vill.- Bagrauli Panchayat,- Mahkar Ward no. 6, P.S.- Simri, Bakhtiyarpur, Dist.- Saharsa, Permanent R/O Vill.- Kharagpur Ward no. 9, P.S.- Saharsa (Sonbarsa Kachahari) Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-10-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection with Simri Bakhtiyarpur P.S. Case No. 285 of 2024, registered for the offences punishable under Sections 341, 323, 354(A), 354(B) and 379 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that while the informant was returning from market, in the meantime, the petitioner caught hold her and tried to commit rape upon her. It is also alleged that the petitioner abused and assaulted her in course of the occurrence and snatched the ornaments.



4. Learned Advocate for the petitioner contended that the informant is none else but the own sister-in-law (wife of the brother-in-law). Prior to the occurrence, the mother of the petitioner had lodged Saharsa Sadar P.S. Case No. 155 of 2023, against the husband of the informant and other family members. The enmity between both the families is writ large for the simple reason that earlier also, the father-in-law of the petitioner had instituted Simri Bakhtiyarpur P.S. Case No. 60 of 2023, against the petitioner and others, the particulars of which has been duly mentioned in paragraph no. 3. Moreover, the alleged occurrence took place on 17.06.2024, and the present FIR has been instituted on 19.06.2024, without any explanation for delay. Despite the petitioner being brother-in-law, this fact has not been narrated in the FIR and, as such, it discloses the *mala fide* intention of the informant.

5. On the other hand, learned counsel for the State opposed the bail application and submits that there is serious allegation against the petitioner of outraging the modesty of a woman, apart from assault and snatching of valuables.

6. Regard being had to the submissions made on behalf of the parties and considering the institution of the present case, in the premise of enmity between the



parties; pending criminal cases against each other, coupled with the fact the relationship between the parties has knowingly not been disclosed by the informant and the investigation being complete, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Simri Bakhtiyarpur P.S. Case No. 285 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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