

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5996 of 2024

Arising Out of PS. Case No.-191 Year-2017 Thana- BABUBARHI District- Madhubani

Rajdev Singh @ Rahdev Singh son of Late Swarup Singh Resident of village-
Kasma Marar, P.S.-Khajauli, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
	:	Mr. Gagandeo Yadav, Advocate
	:	Mr. Udeshya Kr. Yadav, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 17-02-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.
3. The accused/petitioner is named in the F.I.R. and apprehended his arrest in connection with Babubarhi P.S. Case No. 191 of 2017 registered for the offences punishable under Sections 341, 323, 384, 386, 354 (B) and 504/34 of the Indian Penal Code and 13 of the Drugs Control Act.
4. Allegation as appears from F.I.R. is that informant was given expired medicine from the medical shop running on government land, beside the shop of



complainant/informant. On consumption of said medicine several medical complexities as excessive sweating etc., took place. When complainant was returning the said medicine, on demand, complainant was abused and assaulted by the petitioner.

5. Learned counsel appearing on behalf of the petitioner submitted that prior to this case another complaint was lodged by the mother of informant/complainant, which has been registered as Complaint Case No. 133 of 2017 and same was dismissed by the learned Trial Court. It is pointed out that present complaint petition was lodged after one month of the alleged occurrence. It is also submitted that petitioner never ran any medical shop as alleged by complainant on government land, rather he is neighbour of complainant and out of certain neighbourhood disputes and differences present false case was lodged. It is also submitted that even if the present F.I.R. be taken into consideration same not appears permissible, in view of report of Hon'ble Supreme Court in the case of **Union of India Vs. Ashok Kumar Sharma** as reported in **2021 Volume 3 PLJR (SC 81)**. It is also pointed out that no injury report was annexed with complaint petition, which is the basis of F.I.R. While concluding the argument it is submitted that petitioner is



a man of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances and by taking note of the fact that informant is in litigating terms with petitioner, where present F.I.R. was lodged after one month of the alleged occurrence, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge, 1st Madhubani/concerned Court below where the case is pending in connection with Babubarhi P.S. Case No. 191 of 2017 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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