

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75447 of 2024

Arising Out of PS. Case No.-305 Year-2024 Thana- EKMA District- Saran

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1. Lalbabu Prasad Son of Kedar prasad Village- Bharhopur, P.s - Ekma, District- Saran
 2. Lalit Prasad @ Lalit Kumar @ Lalit Kr. Kushwaha Son of Lalbabu Prasad Village- Bharhopur, P.s - Ekma, District- Saran
 3. Lucky @ Luky Kumar @ Lucky Kumar Son of Lalbabu Prasad Village- Bharhopur, P.s - Ekma, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Alka Panday, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-01-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Ekma P.S. Case No. 305 of 2024 registered on 21.08.2024 for the offences punishable under Sections of the Indian Penal Code.

3. As per the prosecution, the present F.I.R. has been lodged against three accused persons, including the present petitioner, alleging that after the death of the informant's husband, the accused persons regularly assaulted her. It is specifically alleged that on 19.08.2024, the petitioner began to



harass the informant with bad intentions, after which the other accused persons named in the F.I.R. arrived and began abusing and assaulting the informant. The accused persons are also alleged to have torn the informant's clothing.

4. It is submitted by the learned counsel for the petitioner that the petitioner is innocent and has committed no offense. The petitioner has a clean antecedent. The accusation is omnibus and general in nature. In fact, the petitioner and the informant are close relatives, and the informant has been known to quarrel with the petitioner over petty issues since the death of her husband. The present case has been lodged under sections 127(1) (Wrongful Confinement), 115(2) (Voluntarily causing hurt), 118(1) (Voluntarily causing grievous hurt by dangerous weapons), 74 (Assault or use of criminal force to woman with intent to outrage her modesty), and 3(5) (with common intention) of the Bharatiya Nyaya Sanhita, 2023. However, the ingredients of the sections under which the F.I.R. has been filed are absent in the present case. There is no allegation of wrongful confinement. Similarly, the allegation of grievous hurt caused by dangerous weapons is also lacking, as it appears from the F.I.R. itself that no weapon was used. The allegation of outraging modesty is also absent. Learned counsel further



submits that it is unbelievable that three male members would assault a woman.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the learned ACJM-IX, Saran, in connection with Ekma P.S. Case No. 305 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

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