

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82493 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- AAJAM NAGAR District- Katihar

Viru Mahaldar @ Biru Mahaldar S/o Late Tulsi Mahaldar Resident of Village-
Azamnagar Mahaldar Tola, PS- Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv.

For the Opposite Party/s : Ms.Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Azamnagar P.S. Case No. 194 of 2024 instituted for the
offences under Sections 341, 323, 325, 354(B), 307, 504, 506/34
of the Indian Penal Code.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of dragging the
Informant on the ground and also attempting to outrage her
modesty. It is also alleged that the petitioner brutally assaulted
the Informant's son with an intention to kill him.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the



present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. Learned counsel for the petitioner submits that the date of occurrence is 21.05.2024 at 12.00 O'clock but, the F.I.R. was lodged on 22.05.2024 at 01.30 PM without there being any plausible explanation for such delay which creates doubt in the prosecution case. The Informant is the mother of the petitioner and the injured Pandav Mahaldar is his younger brother and, as such, allegation leveled in the F.I.R. does not seem to be probable. The petitioner is the step son of the Informant and, as such, she implicated the petitioner in the present case falsely. From the injury report, it appears that the injury is simple in nature caused by hard and blunt object. The injured Pandav Yadav was treated at the private hospital as well as Sadar Hospital, Katihar but, there is no injury report. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.05.2024 without any rhyme or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The statement of the injured is recorded in Para-55 of



the case diary in which he has supported the prosecution case. The injury report of the injured also supports the prosecution case. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Azamnagar P.S. Case No. 194 of 2024.

(Rudra Prakash Mishra, J)

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