

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86973 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- PARAIYA District- Gaya

Mahesh Sao S/o Puran Sao Village- Bagahi Bakepur Ps- Paraiya Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.II, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-02-2025 Heard Mr. Manish Kumar No.II, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

2 The petitioner is in judicial custody in connection with Paraiya PS Case No. 32 of 2024 for the offence under Sections 341, 342, 323, 354, 379, 308 and 34 of the I.P.C lodged on 22.01.2024 by the informant. Koshmi Devi.

3. As per the prosecution story, the informant alleged that the petitioner was erecting pillar on her land and when the daughter opposed, she was assaulted. Later, when the informant reached home and the daughter was explaining about the occurrence, allegation is that accused again came to their house and assaulted the daughter causing fracture in her leg. Against the petitioner, there is specific allegation of assault on her head



by 'Khanti' causing injury. Then there is also the allegation of outraging the modesty as well as the snatching of the Mangal Sutra. She was rushed to the Primary Health Center, Paraiya and then Magadh Medical College. Gaya for treatment. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that there is delay of five months in lodging of the F.I.R. inasmuch as the occurrence took place on 23.08.2023 while the FLR was lodged on 22.01.2024. The further submission is that despite she being in the hospital, no F.I.R. was lodged.

5. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to give Rs.10,000/- to the informant through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer submitting that the lady has sustained injury which though has been found to be simple in nature. It is on the head.

7. Considering the aforesaid allegation that has come, though there is injury on the head, it has been found to be simple in nature, the petitioner is in custody since 05.09.2024, FIR lodged, he shall be facing the trial and it has been undertaken that the petitioner shall be diligently appearing



before the Trial Court, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.10,000/- to the informant issued by the local branch of the State Bank of India

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, Gaya, in connection with Paraiya PS Case No. 32 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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