

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90262 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- HATHAURI District- Muzaffarpur

Raushan Jha S/o Ashok Jha R/o Village- Berai South Ward No.9, P.S.-
Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pandey, Advocate
For the State	:	Mr. Yogendra Kumar Singh, APP
For the Informant	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr. Sunil Kumar Pandey, learned counsel
for the petitioner, Mr. Arvind Kumar, learned counsel for the
informant and Mr. Yogendra Kumar Singh, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
02.09.2024, in connection with Hathauri P.S. Case No. 131 of
2024, FIR dated 22.07.2024 registered for the offence under
Sections 126(2), 115(2), 329(4)/64 of the Bharatiya Nyaya
Sanhita, 2023.

3. As per the prosecution case, the petitioner has
assaulted on the head of the victim with lathi and also tried to
outrage her modesty.

4. Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that due to some petty dispute the present occurrence has taken place. He further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 20.07.2024 but the present FIR has been instituted on 22.07.2024 after a delay of two days without giving any explanation of delay and apart from that the injury report of the informant does not support the allegation as alleged in the FIR. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 02.09.2024.

5. Learned counsel for the informant as well as learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it appears that there is direct and specific allegation against the petitioner that he has assaulted to the informant.

6. Considering the aforesaid facts that the petitioner



has clean antecedent and medical report of the victim does not support the allegation as alleged in the FIR, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, (East) at Muzaffarpur in connection with Hathauri P.S. Case No. 131 of 2024 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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