

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52204 of 2014

Arising Out of PS.Case No. -46 Year- 2014 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Gajendra Singh @ Gajindra Singh, Son of Late Rajdeo Singh
 2. Muntun Singh, Son of Gajendra Singh @ Gajindra Singh
 3. Jai Prakash Singh, Son of Late Mahendra Singh
 4. Chandra Shekhar Singh @ Shekhar Singh, Son of Late Tripit Narain Singh
 5. Sanjay Singh, Son of Chandra Shekhar Singh @ Shekhar Singh
- All resident of Village – Kodaria, P.S. – Phenhara, District – East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate.

For the Opposite Party/s : Mr. Md. Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 06-01-2015

Heard both sides.

The petitioners Gajendra Singh @ Gajindra Singh, Muntun Singh, Jai Prakash Singh, Chandra Shekhar Singh @ Shekhar Singh and Sanjay Singh apprehend their arrest in Phenhara P.S. Case No. 46 of 2014, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

The informant Ramprit Sah named all these petitioners and alleged that while he was returning from Madhuban Bazar they all surrounded him and began to assault. Muntun Singh is alleged to have assaulted him on his head and

mouth with knife.

Learned counsel for the petitioner submits that all the allegations are false and concocted. One Babita Devi lodged a case under Section 457, 376 and 511 of the Indian Penal Code making allegation that while she was in her courtyard, Ramprit Sah entered and made an attempt to outrage her modesty, thereafter, the informant Ramprit Sah was apprehended by the villagers and some assault was made. It is submitted that to save his own skin from Phenhara P.S. Case No. 42 of 2014, the informant Ramprit Sah lodged this case. There is no specific allegation against Gajendra Singh @ Gajindra Singh, Jai Prakash Singh, Chandra Shekhar Singh @ Shekhar Singh and Sanjay Singh.

On the other hand, learned counsel for the informant submits that, of course, no specific allegation is made against the four petitioners but there is very specific allegation against petitioner Muntun Singh that he assaulted the informant with knife and corresponding injuries are found.

It appears that prior to lodging of the case one Babita Devi lodged Phenhara P.S. Case No. 42 of 2014 and made allegation that Ramprit Sah the informant of the present case entered into her house and made an attempt to outrage her modesty. Ramprit Sah was apprehended but he managed to flee

away, thereafter, he lodged the present case.

No specific allegation against petitioners no. 1, 3, 4 and 5, considering this the petitioners Gajendra Singh @ Gajindra Singh, Jai Prakash Singh, Chandra Shekhar Singh @ Shekhar Singh and Sanjay Singh, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Shri Uma Shankar, the learned Judicial Magistrate, 1st Class at Motihari, East Champaran in connection with Phenhara P.S. Case No. 46 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as the case of petitioner no. 2 namely Muntun Singh is concerned, there is very specific allegation against him that he assaulted the informant with knife on his head and mouth, hence, I am not inclined to enlarge the petitioner no. 2 Muntun Singh on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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