

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29663 of 2014

Arising Out of PS.Case No. -29 Year- 2014 Thana -MAHILA P.S. District- SIWAN

1. Bipin Pandey @ Bipin Bihari Pandey Son of Late Shambhu Pandey
Resident of Village - Pareji, P.S.- Ander, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. S.N.Shukla(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 13-01-2015 Heard the parties.

This is an application for anticipatory bail for the offence punishable under sections 447, 376, 511 and 501 of the I.P.C.

It is alleged that the petitioner finding the informant alone in his house entered into her room and tried to close the door and on protest and alarm being raised the petitioner threw down the informant and torn her Bulloj and further tried to outrage her modesty. Thereafter, nearby persons came and then he fled away.

Submission is of false implication on the ground that earlier also a complaint case was filed by husband of the complainant which was dismissed and as the petitioner is retired personnel from the military posted as SAP Jawan at Jamui he filed a Partition Title Suit No. 783 of 2013 against his brother Uday Kumar Pandey, husband of the informant which is pending in the court of Sub. Judge- Ist, Siwan and as such only with a view to take revenge and to put pressure this false case has been instituted. Earlier also the

informant filed Andar P.S. Case No. 11 of 2009 in which final form was submitted and report under sections 182 and 211 I.P.C. was submitted against the informant.

The learned A.P.P. fairly submits that there is an old enmity and the petitioner is Bhaisur of the informant.

Considering the old enmity between the parties and further considering that the petitioner is a retired military personnel and is at present posted as SAP Jawan at Jamui, in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order shall 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 S.D.J.M. Siwan in Mahila P.S. Case No. 29 of 2014, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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