

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6126 of 2015

Arising Out of PS.Case No. -422 Year- 2014 Thana -BARHARIA District- SIWAN

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Arbind Pandey @ Arbind Kumar Pandey Son of Achhutanand Pandey,
resident of village- Hardiya, Police Station- Barharia, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Gulnar Begum (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 27-05-2015 Heard learned counsel for the petitioner and Mr. Dayal

learned APP for the State.

A supplementary affidavit has been filed.

The petitioner apprehends his arrest in connection with Barharia P.S. Case No. 422 of 2014 registered under diverse sections including section 376/511 IPC and seeks anticipatory bail. It is alleged that at the relevant time the petitioner entered into the house of the informant and tried to outrage her modesty. On an alarm raised by the informant, the petitioner and his other associates abused and assaulted her.

Counsel for the petitioner submits that both the parties are close agnates. The dispute is with respect to use of a Chapakal (Handpump). The petitioner lodged a case against the present

informant and others vide Barhariya P.S. Case No. 413 of 2014 in which the accuseds have been released on bail. Other accused persons of the present case have since been released on anticipatory bail. He has relied in this regard on Annexure-6.

Learned APP opposing the prayer pointed out that there is direct allegation against the petitioner of sexual assault to the informant. On perusal of Annexure-6, it appears that a submission was advanced that the petitioner attempted to outrage the modesty of the informant.

Considering the facts and circumstances of the case, I do not find it a fit case for grant of anticipatory bail to the petitioner. The prayer is accordingly rejected.

The petitioner should surrender and pray for regular bail in the court below which shall be considered and disposed on its own merit without prejudiced by the present order.

(Kishore Kumar Mandal, J)

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