

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12702 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -SIDHWALIA District- GOPALGANJ

- =====
1. Santosh Patel @ Santosh Kumar Patel
 2. Shambhu Patel
 3. Rabindra Patel

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 18-03-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 452, 354B, 379 and 307/34 of the Indian Penal Code.

The prosecution case is that on 08.11.2015 at 7.00 P.M. petitioner no. 1 Santosh Patel entered into the room of the informant and tried to ravish her. On alarm being raised he started assaulting her with fists and kicks by catching her hair and in the meantime, petitioner nos. 2 and 3 Shambhu Patel and Rabindra Patel came and assaulted the informant with lathi on her head and petitioner no. 2 snatched gold chain from the

neck of the informant.

It is submitted by learned counsel for the petitioners that petitioner no. 1 being a social worker made protest against the illegality committed in executing Government scheme by the Panchayat Mukhiya, who assaulted petitioner no. 1 leading to registration of Sidhwalia P.S. Case No. 108 of 2015 against the Panchayat Mukhiya, who set up the present informant to lodge the present case. The injury of the informant has been found to be simple in nature and the informant is in habit of lodging false cases. The FIRs of two cases have been brought on record as Annexure- 2 series.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the thrust of accusation against petitioner no. 1 Santosh Patel, let the learned court below consider his prayer for regular bail, if he surrenders before the learned court below within a period of six weeks from today.

So far as petitioner nos. 2 and 3 are concerned, since accusation is making assault is omnibus and general and the injury has been found to be simple, let the above named petitioner nos. 2 and 3 be released on anticipatory bail, in the event of arrest or surrender before the learned court below

within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Sidhwalia P.S. Case No. 109 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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