

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60514 of 2017

Arising Out of PS.Case No. -477 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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1. Dhananjay Sah @ Dhananjay Kumar Sah
 2. Ajay Kumar Saha @ Ajay Kumar Sah
 3. Shtrughan Prasad @ Shatrughan Sah
 4. Vijay Kumr Saha @ Vijay Sah 1 to 4 sons of Late Ram Jatan Sah
 5. Bablu Kumar Saha @ Bablu Kumar Sah
 6. Pintu Prasad @ Pintu Kumar Sah 5 to 6 both are sons of Kaushal Sah
 7. Ashraf Ali @ Guddu son of Md. Shafique
 8. Md. Shafique Ansari @ Md. Shafique son of Md. Samir Ansari All residents of Mohalla- Karbala, Ward No. 32, Police Station and District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda

For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 13-12-2017

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 354/34 and 376/511 of the Indian Penal Code.

The prosecution case got initiated on the written report of Fucho Devi, being Ward Member, in the background of a dispute with regard to fixing the direction of street light for which the accused persons assaulted the



informant. It is alleged that petitioner no. 2 Ajay Kumar Sah disrobed informant by pulling her sari, rendering her naked and thereafter the accused persons assaulted her.

It is submitted by learned counsel for the petitioners that petitioner no. 2 is the Senior Advocate of Civil Court, Kishanganj and in the ground of election dispute since petitioner no. 2 was earlier Vice-Chairman of the Municipality, the accusation has been levelled. The niece of petitioner no. 2 Komal Kumari has also lodged a counter case against the present informant and others being Kishanganj P.S. Case No. 478 of 2017 registered on 09.09.2017 itself with accusation for the offences punishable under Sections 341, 323, 354, 504, 509/34 and 376/511 of the Indian Penal Code and, in fact, the informant has not received any injury. Petitioner nos. 3, 7 and 8 are not having any criminal antecedent. However, petitioner no. 1 is accused in five other cases but most of them are of petty nature and he is on bail. Petitioner nos. 1, 2, 4 and 6 are accused in only one other case but they are also on bail in that case.

Considering the nature of accusation levelled in the background of petty dispute as get reflects from the FIR when there is nothing on record to suggest that any medical examination of the informant was done, let the above



named petitioners 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 CJM, Kishanganj in connection with Kishanganj P.S. Case No. 477 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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