IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22731 of 2017

Arising Out of PS.Case No. -95 Year- 2017 Thana -KATIHAR District- KATIHAR

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Aniket Singh @ Aniket Kumar Singh, Son of Dilip Singh @ Dilip Kumar Singh, Resident of Gami Tola, Ward No. 29, P.O. & P.S.- Katihar, District- Katihar, Bihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar and Mr. Vikash Kumar Pankaj, Advocates
For the State	:	Mr. Bhanu Pratap Singh, A.P.P.
For the Informant	:	Mr. Shivendra Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioner apprehends arrest in Katihar Nagar P.S. Case No. 95 of 2017 dated 11.02.2017 instituted under Sections 341/323/324/325/307/506/34 of the Indian Penal Code.

3. The allegation against the petitioner and three others is of assault and also of possessing iron rod and country made pistol.

4. Learned counsel for the petitioner submitted that the present is a counter blast to Katihar Nagar P.S. Case No. 93 of 2017, of the same day in which the co-accused Ratan Poddar is the informant who has alleged that his sister was sexually harassed and

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also inappropriately touched and molested by the son of the informant namely Kundan Kumar. Learned counsel submitted that the sister of the co-accused, in the present case, is 12 years old and she has also given a statement before the Court under Section 164 of the Code of Criminal Procedure, 1973 in which she has stated in detail the sexual harassment faced by her by the son of the informant. It was submitted that the petitioner has clean antecedent and in fact, since the son of the informant of the present case was harassing the sister of the co-accused, the family members were trying to confront him but he was evading and on 11.02.2017 he was seen on the road and when confronted he started threatening and in the meantime a crowd gathered and thrashed the son of the informant and in fact, the informant of the other case, to prevent any untoward incident informed the police and F.I.R. was lodged i.e., Katihar Nagar P.S. Case No. 93 of 2017.

5. Learned counsel appearing for the informant submitted that the accused has been granted bail in the other case and it was a false case.

6. Learned A.P.P. submitted that the allegations are general and omnibus but one injury is grievous. However, he is not in a position to controvert the submissions of learned counsel for the petitioners that a mob had assembled and due to the conduct of the

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son of the informant, he was assaulted leading to such injury.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in Katihar Nagar P.S. Case No. 95 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

P. Kumar

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