

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47409 of 2017

Arising Out of PS.Case No. -526 Year- 2017 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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RASENDRA GUPTA @ RAJENDRA GUPTA, Son of Late Sri Mutur @
Late Mutur Gupta, R/o Village- Banjaria, P.S.- Gopalpur, District-
Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seema Devi, W/o Satendra Gupta, R/o Village- Banjaria, P.S.- Gopalpur,
District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Adv.
For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is seeking anticipatory bail in connection
with Complaint Case No.526 of 2017 registered for offences
punishable under Sections 341, 323, 354B and 149 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
complaint in the present case has been filed by the wife of younger
brother of this petitioner. It is submitted that the allegations of
assaulting her with fists, slaps and kicks and that the petitioner
torn her saree and blouse causing her half naked are clearly false



and concocted story in the private complaint case as no such occurrence took place. Learned counsel submits that, in fact, this petitioner had a dispute with his brother (husband of the complainant) over taking away of the old bricks and Kari Sahtir from the old house which was a joint family property and the petitioner was insisting for partition of those properties. There was a panchayati also in that connection, but on 30.01.2017 altogether five persons lashed with lathi and danda assaulted the present petitioner which led to filing of a complaint case in the court of learned Chief Judicial Magistrate, Gopalganj. He has brought on record Annexure-2 to substantiate his ground that the present case is in retaliation only. Learned counsel submits that in the complaint case, learned A.C.J.M., Gopalganj has taken cognizance vide order dated 05.06.2017 and decided to issue summon against this petitioner.

On the other hand, learned APP for the State opposed the prayer for anticipatory bail.

Since it is a complaint case in which after taking cognizance the learned Magistrate has decided to issue summon, this Court is of the opinion that in case the petitioner appears before the court below and prays for regular bail, his application shall be considered by the learned A.C.J.M., Gopalganj on the



same day and an appropriate order shall be passed on the same considering the submissions of the petitioner as noted hereinabove.

Learned counsel for the petitioner submits that the petitioner shall appear in the court below within a period of four weeks from today.

The application is disposed of with the observations hereinabove.

(Rajeev Ranjan Prasad, J)

Arvind/-

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