

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40921 of 2017

Arising Out of PS.Case No. -30 Year- 2017 Thana -MAHILA P.S. District- NAWADA

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1. Vijay Singh, Son of Sri Kameshwar Singh,
2. Rajesh Singh @ Rajesh Kumar Son of Late Janki Singh, Both are R/o
Village- Daulatpur, P.S.- Warsaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-09-2017 Heard learned counsel for the petitioner as well as the

State.

The petitioners apprehend their arrest in Mahila
(Nawada) P.S. Case No. 30/2017 instituted for the offences under
Sections 143, 341, 323, 354(B), 504, 506/34 of the Indian Penal
Code.

It has been submitted on behalf of the petitioners that
there is land dispute between the parties, for which Title Suit No.
148 of 2014 is pending. There is allegation against petitioner no. 1
that he assaulted the informant on her private part, but no such injury
has been found on the person of the informant. There is general and
omnibus allegation against petitioner no. 2 that he pulled the
informant from her house.



It has been further submitted that there is counter case vide Mahila P.S. Case No. 28/2017 instituted under Sections 376 and 504 of the Indian Penal Code and Section 6 of the POCSO Act by Manju Devi, wife of Rajesh Kumar. There is specific allegation against Anil Kumar @ Anil Singh, husband of Rekha Devi of assault and of trying to commit rape with Priya Kumari, daughter of Rajesh Kumar, which would appear from the statement of Priya Kumari recorded under Section 164 of the Cr.P.C. (Annexure-3) in that case.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Mahila (Nawada) P.S. Case No. 30/2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate III, Nawada, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the



evidence or the witnesses of the case, in that case, prosecution will
be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J.)

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