

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54559 of 2018

Arising Out of PS. Case No.-52 Year-2016 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Birendra Singh S/o Ram Keval Yadav @ Ram Keval Singh @ Bhutali Singh,
R/o Vill.- Gaharpur, P.S.- Kurtha, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Madheshwar Singh S/o Jamuna Singh, R/o Vill.- Gaharpur, P.S.- Kurtha,
Distt.- Arwal.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking
anticipatory bail in connection with Complaint Case No. 52 of
2016 registered for the offences punishable under Sections 448,
323, 380 and 354/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that even
though the allegation in complaint case is that this petitioner had
assaulted the complainant by means of rod but in fact no injury
has been reported on the person of the complainant. It is further
submitted that the allegation that the petitioner had indulged in
throwing Barti Devi on ground by catching hold of



her hair and the petitioner tore her petticoat and blouse are totally false and concocted story for the reason that earlier on 22.02.2016 one of the accused Malo Devi had lodged a FIR being Kurtha P.S. Case No. 18 of 2016 under Sections 341, 323, 325, 307 and 504/34 of the Indian Penal Code against the informant of the present case. It is pointed out that although the alleged occurrence had taken place on 18.02.2016, the present case came to be lodged after five days on 23.02.2016 only to save his skin from the case lodged by Malo Devi on 22.06.2016.

Learned APP is present and submits that it seems to be case of enmity between the parties.

Considering the facts and circumstances wherein it is submitted that the complaint petition has been filed after five days of the alleged occurrence and prior to that Malo Devi had lodged a FIR vide Annexure-2 against the complainant of the present case, let the petitioner Birendra Singh in case of his arrest or surrender in connection with Complaint Case No. 52 of 2016 within a period of four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the



satisfaction of learned S.D.J.M., Jehanabad, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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