

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21330 of 2018**

Arising Out of PS.Case No. -188 Year- 2016 Thana -ALOULI District- KHAGARIA

- =====
1. Gulshan Kumar @ Gulshan Kumar Singh, son of Chandeshwari Singh
  2. Chandeshwari Singh, son of Late Vishwanath Singh, Both Resident of Village- Manikchak Ukharaura, P.S.- Alouli, District- Khagaria.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Smt. Asha Devi

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

2      27-04-2018                      Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Alouli P.S. Case No. 188 of 2016/ G.R. No. 1600 of 2016 for the offences punishable under sections 341, 323, 395, 354 and 34 of the I.P.C and section 27 of the Arms Act.

This case has been registered on the basis of the complaint petition. Allegedly, on 01.06.2016 at about 1 A.M. when the informant with her children was sleeping in her house, all the accused persons including the petitioners came armed with weapons. The petitioner no.1 caught the leg of the informant and



then she woke up and raised alarm, upon which accused Dilip Singh abused her and asked her to keep mum otherwise she will be assaulted. Thereafter co-accused Rambalak Singh ordered for committing rape and for robbing all her belongings. The petitioner no.1 started touching the body of the informant and on protest he started assaulting her and caught her breast. Co-accused Rambalak Singh took away the box containing Rs. 10,000/-, cloths and silver ornaments and co-accused Dilip Singh took away earring worth Rs. 15,000/-.

Submission is of false implication and that for the occurrence of 01.05.2016 the complaint case has been lodged on 09.06.2016 which came to be registered as a police case on 29.07.2016, the petitioners have got no criminal antecedents, the delay in lodging the complaint case is not explained, co-accused Dilip Singh and Rambalak Singh have been allowed pre-arrest bail vide Cr. Misc. No. 20402 of 2018 by order dated 17.04.2018 by another co-ordinate Bench of this Court and as such the petitioners also deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner no.1 by submitting that he tried to outrage modesty of the informant and the reason for delay is explained in the complaint petition.



In the facts and circumstances stated above, considering the allegation attributed against petitioner no.1 Gulshan Kumar @ Gulshan Kumar Singh, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected.

However, petitioner no.2 Chandeshwari Singh, in case of his arrest or surrender 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 bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M, Khagaria in connection with the aforementioned case, subject to the conditions as laid down under section 438 (2) of the Cr.P.C.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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