

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6485 of 2018

Arising Out of PS. Case No.-226 Year-2017 Thana- RAMPUR District- Gaya

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1. Vimlendu Kumar Dwivedi @ Bimlendu Kumar Dwivedi, Son of Raghunath Dwivedi, Resident of Village- Nadaura Mauabag, Police Station- Kurtha, District- Jehanabad. at present L/Nayak, O.T.A. Gaya, Police Station- Magadh Medical, District- Gaya.
 2. Nitish Kumar @ Nitish Kumar Upadhyay, Son of Ram Chandra Upadhyay, Resident of Mohalla- Government Bus Stand, Gandhi Maidan, Gaya, Police Station- Civil Lines, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Pratap Singh

For the Opposite Party/s : Mr. SRI DASHRATH MEHTA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2018 Heard learned counsels for the parties.

The petitioner no. 1 being maternal brother and petitioner no. 2 being own brother of the informant, are apprehending arrest in a case registered for the offences punishable under sections 341,354, 354(B), 504 and 506/34 of the IPC.

The prosecution case as per the written report of Dipika Kumari, the informant dated 19.7.2017, addressed to the SHO, Rampur Police station is to the effect that on 13.7.2017 at 6.30 P.M., the informant came from Bodh Gaya by auto rickshaw from Sikariamore and from there she was going to board another auto rickshaw, in the meantime, petitioner no. 1 came and requested her to again go to Bodh Gaya, so as to spend



night there to have physical relationship. Petitioner no. 1 also caught her hand and tore the blouse of the informant, thereafter, the informant reached Gabra railway station and informed Kotwali, Rampur and Civil Lines Police stations. Subsequently, she received a call from mobile number 8890811490 when petitioner no. 1 abused the informant and threatened her and from some other mobile number petitioner no.2, her own brother, also called and abused the informant.

It is submitted by learned counsel for the petitioners that from the very accusation, it appears that due to some personal dispute the accusation has been levelled. There is no reason for submitting a written report on 19.7.2017 for the occurrence of 13.7.2017, which clouds the entire prosecution case. Petitioner no. 1 is an army personnel and a certificate to that effect has been issued by the Major Paritosh Agrawal that on 13.7.2017 petitioner no. 1 was on duty at Batra Battalion, O.T.A. Gaya and never left the camp on that date. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Considering the delayed lodging of the case, coupled with the certificate of the employer of petitioner no. 1 who is employed in army, with regard to his presence at the work place,



let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 CJM, Gaya in connection with Rampur P.S. Case No. 226 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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