

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45470 of 2018

Arising Out of PS.Case No. -51 Year- 2018 Thana -ASAWAN District- SIWAN

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Santosh Bhagat, son of late Gaya Nand Bhagat, resident of village –
Katwar, Police Station Asawan District – Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Advocate

For the Opposite Party/s: Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-08-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Asawan P.S.**

Case No. 51 of 2018 instituted for the offence under Sections 341,
323, 354(B), 354(C) and 506 of the Indian Penal Code.

The informant has alleged in the written report that while she was sleeping in her room, petitioner, who is her father-in-law, entered into the room with bad intention and started touching her body. She got awake and protested, then petitioner pressed her mouth and assaulted her with fists and slaps. He also gave threat that if she disclosed the matter to anybody, she would be killed. She any how succeeded in fleeing away from the room and saved her life.

Counsel for the petitioner has submitted that petitioner is elder brother of husband of the informant. There is land dispute



between the parties which started two months prior to the alleged date of occurrence. There is small piece of residential plot which stands in the name of mother of petitioner upon which the petitioner along with his two brothers erected new house. The informant was allotted one room in the said house in share of her husband who is living abroad, but she was not satisfied.

Therefore, it appears that there is civil dispute between the parties.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Aswan P.S. Case No. 51 of 2018**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **Sri Arvind Kumar** learned **Judicial Magistrate-1st Class, Siwan**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his



bail bond and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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