

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62024 of 2018

Arising Out of PS. Case No.-153 Year-2018 Thana- SHASTRINAGAR District- Patna

1. Rajesh Kumar (Builder), Son of Late Ravindra Singh, Resident of Prabha Palace near Sonbarsa Garden, Magistrate Colony, P.O.- Ashiyana Nagar, Police Station- Rajiv Nagar, District- Patna.
2. Manoranjan Gopalu @ Manoranjan @ Manoranjan Prasad (Builder), Son of Ratneshwar Prasad, resident of Dulari Niketan Mohanpur, Puanichak, Police Station- Shastri Nagar, District- Patna.
3. Rakesh Kumar Singh, Son of Late Ram Bahadur Singh, resident of Mohalla- Gandhi Nagar, House No. 96, Police Station- Shri Krishnapuri, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Viveka Nandsingh
For the Opposite Party/s :	Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-12-2018 Heard learned counsels for the parties.

The petitioners being builders are apprehending arrest in a case registered for the offences punishable under Sections 147,447,448,341,323,354 and 379 of the IPC.

The prosecution case as per the written report of Poonam Kumari dated 9.3.2018 submitted to the SHO, Shashtrinagar Police Station is to the effect that the informant and her family members used to reside in their house situated at Khajpura, Bailey Road, Patna near Pillar No. 25. The informant claimed to have inherited the property from her grand father. On the eve of Holi, the informant along with her family members had gone to their native village but on return, they found that the lock of the house



has been broken and entire house hold articles were taken away while petitioner nos. 1 and 2, being uncle and aunt respectively were present and the mother of the informant gave written application to the police in this regard on 5.3.2018. Subsequently, on 8.3.2018, the mother of the informant along with her brother had gone for treatment of informant's mother, in the meantime, the petitioners who are builders entered into the house, robbed the house hold articles and thereafter when the informant came to protest, petitioner no. 2 Manoranjan Gopalu, uncle of the informant, caught hold of her and outraged her modesty. When the informant raised alarm, another uncle of the informant Prabhat Sah and aunt Renu Devi came and rescued her. It is further alleged that co-accused Manoj Kumar snatched gold chain of the informant.

It is submitted by learned counsel for the petitioners that in the background of dispute with regard to family property between the informant and her uncles, the accusation has been levelled against the petitioners. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that there is specific accusation that the petitioners along with uncle and aunt



of the informant committed theft in the house and tried to outrage the modesty of the informant.

Considering the fact that from perusal of the FIR it appears that the accusation has been levelled in the background of family property dispute, delayed lodging of the FIR and the co-accused Sangeeta Prasad being aunt of the informant has been granted anticipatory bail by a Bench of this Court, 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 ACJM IV, Patna in connection with Shastri Nagar P.S. Case No.153 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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