

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21343 of 2018

Arising Out of PS.Case No. -97 Year- 2016 Thana -
DALSINGHSARAI District- SAMASTIPUR

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1. Amarendra Kumar Dubey @ Jeevan Dubey @ Amarendra Kumar Dwivedi, son of Sukhdeo Dubey
2. Tuntun Paswan, son of Late Mogal Pawan
3. Tufani Paswan, son of Kishundeo Paswan
4. Laljee Paswan, son of Tuntun Paswan All Residents of Village- Mukhtiyarpur Salkhani, Police Station- Dalsingh Sarai, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-04-2018 The petitioners seek bail in anticipation of their arrest in connection with Dalsing Sarai P.S. Case No. 97 of 2016 dated 06.03.2016 instituted for the offences under Sections 341, 323, 354(b)(c)(d), 504, 34 of the Indian Penal Code.

The petitioners are alleged to have come to the house of the informant looking for her father. When the father of the informant was not found, they wanted to take away the brother of the informant. When the informant, who is a girl aged 17 years, came to his rescue, she was assaulted and an attempt was made to outrage her modesty.

The learned counsel for the petitioners has submitted



that an absolutely false and concocted case has been lodged against the petitioners. In fact, a Title Suit is pending between the parties vide Title Suit No. 71 of 2013. In the aforesaid Title Suit, the father of the informant is defendant No. 3 whereas petitioner No. 1 is defendant No. 24(defendant 1st set). It has further been submitted that the petitioner No. 1 is the Headmaster of an upgraded Middle School at Khajauri, Sarai Ranjan, Samastipur and on the date of the occurrence i.e. on 05.03.2016, he was in Delhi in connection with his treatment in the Institute of Liver and Biliary Sciences, New Delhi. In support of the aforesaid contention, photocopy of Air Ticket of petitioner No. 1 has already been annexed with the petition.

The police, after investigation found the allegation to be false and therefore, submitted final report. But differing with the report, the learned Magistrate has taken cognizance against the petitioners. The other cause of false implication of the petitioners is that the father of the informant was trying to erect a hut over the land of petitioner No. 1 and on protest, this case has been filed.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before learned Court below within a period of four weeks from today, be released on bail on their furnishing bail bonds of



Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Dalsingh Sarai, Samastipur in connection with Dalsingsarai P.S. Case No. 97 of 2016.

(Ashutosh Kumar, J)

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