

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1465 of 2018

Arising Out of PS. Case No.-594 Year-2017 Thana- BUXAR District- Buxar

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Vishal Singh, Son of Rajeev Ranjan Singh, Resident of Village- Charitravan,
P.S. Buxar (T), Near Path Baba Mandir, District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bishwa Nath Chaudhary

For the Opposite Party/s : Mr. SRI UDAY CHAND PRASAD

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 354, 379, 447, 448 and 504/34 of the IPC.

The prosecution case, as per the fardbeyan of Indu Devi, recorded on 25.09.2017 at 11 AM in Emergency Ward of Sadar Hospital, Buxar is to the effect that on 25.09.2017 at 7.30 AM, the informant was in her house, in the meantime, the FIR named accused persons including the petitioner came and started cutting a tree standing in front of her house and when the informant protested, all the accused persons including the petitioner, entered into the house of the informant, when co-accused Rajeev Ranjan @ Guddu and the petitioner Vishal Singh assaulted the informant with iron rod and tried to outrage



her modesty, upon which the informant raised alarm, when the brother-in-law and husband of the informant came to rescue her, then they were also assaulted. Subsequently, co-accused Rajeev Ranjan snatched gold chain from the neck of the husband of the informant and the petitioner Vishal Singh snatched gold chain and Mangalsutra from the informant.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. There is no substantial injury caused to the informant's side and even assuming the accusation to be true, since the assault was made for cutting of the tree, the petitioner could not be said to have the intention to outrage the modesty of the informant, hence, no offence is made out under Section 354 of the IPC and the accusation under Section 379 of the IPC is cosmetic in nature. There is counter version of the occurrence also, being Buxar (T) P.S. Case No. 598 of 2017, registered under Sections 447, 341, 323, 354, 379/34 of the IPC. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Considering the fact that for bonafide dispute with regard to cutting tree, the accusation has been levelled and there is counter version of the occurrence also, let the above named



petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Buxar in connection with Buxar (T) P.S. Case No. 594 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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