

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58142 of 2018

Arising Out of PS. Case No.-172 Year-2018 Thana- BARAULI District- Gopalganj

-
1. Ravindra Singh, Son of Late Janardan Singh,
2. Kamleshwar Singh @ Kamleshwar Kumar Singh, Son of Gautam Singh
Both resident of Village- Kalyanpur, P.S. Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 13-12-2018

Heard learned counsel for the petitioners; learned A.P.P. for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioners apprehend arrest in connection with Barauli P.S. Case No. 172 of 2018 dated 16.07.2018 instituted under Sections 341/323/354/379/427/504/506/34 of the Indian Penal Code.

3. The allegation against the petitioners is of abuse and assault and also of intimidation at gunpoint and forcibly taking away of purse containing Rs. 2500/- and golden *mangalsutra* from the neck of the sister-in-law (*bhabhi*) of the



informant.

4. Learned counsel for the petitioners submitted that the present case is totally false and frivolous. It was submitted that there is pending title suit between the parties over the land in question and further that the allegations are cosmetics which is proved from the fact that the sister-in-law of the informant who is said to have been wearing *mangalsutra* is a widow and, thus, there cannot be any question of there being any *magalsutra* worn by her. It was further submitted that the petitioners were peacefully dealing with their lands and no such incident, as alleged in the F.I.R., ever occurred. Learned counsel further submitted that though the incident is of 13.07.2018, but the F.I.R. was lodged after three days i.e., 16.07.2018

5. Learned A.P.P. and learned counsel for the informant submitted that the case deserves to be dismissed on the sole ground that the petitioner no. 1 has not disclosed his criminal antecedent and petitioner no. 2 has not come with clean hands inasmuch as he has not disclosed three other cases pending against him under serious sections. It was submitted that the petitioner no. 2 has already been convicted under Section 302 of the Indian Penal Code for having killed his agnate with regard to dispute over the same lands. It was further



submitted that the F.I.R. of the informant was not initially entertained by the concerned police station and only when he had made an application to the Superintendent of Police of the district, the F.I.R. was lodged. Learned counsel, thus, submitted that there is no delay on the part of the informant in lodging of the F.I.R. Learned counsel submitted that there are three cases pending and two cases under Barauli Police Station and one complaint case, besides one mentioned in paragraph no. 3 of the petition bearing Barauli P.S. Case No. 250 of 1998 against the petitioner no. 2.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

7. The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

