

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38037 of 2018

Arising Out of PS. Case No.-62 Year-2018 Thana- RIVILGANJ District- Saran

Nandlal Ram @ Nand Lal Ram, S/o Late Rajdeo Ram, R/o Village- Jigna
Tiwari Tola, P.S.- Rivilganj, District- Saran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Adv.

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2018 Heard learned counsels for the petitioners and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307 and 504/34 of the IPC.

The prosecution case got initiated with the fardbeyan of Viswamitra Tiwari, recorded on 03.03.2018 at 3.20 P.M. by S.I., Rivilganj Police Station, is to the effect that on 03.03.2018 at 8:30 A.M., the informant and his nephew, Prakash Kumar Tiwari went to see the fight going on between Chitranjan Tiwari and six accused persons including the petitioner, in the meantime, co-accused Dilip Ram assaulted with Dab on the head of the informant causing cut injury, whereas the petitioner Nandlal Ram assaulted with iron rod on the knee of the informant causing bleeding injury and when the nephew of the



informant Prakash Kumar Tiwari came to rescue him, then, on the order of co-accused Tarakant Ram, co-accused Rahul Ram assaulted with Farsa causing cut injury to the nephew of the informant. It is also alleged that co-accused Manish Ram snatched a gold chain from the neck of the nephew of the informant and when the villagers came, all the accused persons fled away from the scene.

It is submitted by the learned counsel for the petitioner that on 03.03.2018, informant side tried to outrage the modesty of the daughter of co-accused, Tara Kant Ram for which he has lodge a case being Revilganj P.S. Case No. 60 of 2018, registered for the offences punishable under Sections 341, 323, 379, 325, 504 and 354(B)/34 of the IPC and under Section 3(i) (r) SC/ST Act, thereafter the present case was lodged as a retaliatory measure. The petitioner is alleged to have caused bleeding injury on the knee of the informant, but injury report to that effect has not been brought on record. It is further stated that the learned Session Judge has also recorded in the impugned order that the witnesses during the investigation state that due to incident of outraging the modesty of the girl of the accused side, the present case has been lodged, as a retaliatory measure. A statement has been made in paragraph no.3 of the



petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner.

Considering the genesis of the occurrence and the fact that for the occurrence of 03.03.2018, the FIR has been lodged on 05.03.2018, which reached to the Court of learned ACJM on 12.03.2018, which clouds the bonafide of the accusation, 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 ACJM - VIII, Saran at Chapra, in connection with Rivilganj P.S. Case No. 62 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

