

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5193 of 2019

Arising Out of PS. Case No.-206 Year-2018 Thana- PIRPAINTI District- Bhagalpur

Santosh Kumar Singh, son of Late Krishna Prasad Singh @ Sri Krishna Singh
Resident of village - Parshurampur Jabdi, P.S.-Pirpainty, District- Bhagalpur
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Abhay Kumar Singh, Advocate
For the State : Mr. Ram Priya Saran Singh, (App)
For the Informant : Mr. Ranjan Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2019 Heard Mr. Abhay Kumar Singh, learned counsel
for the petitioner, Mr. Ranjan Kumar Jha, for the
informant as well as Mr. Ram Priya Saran Singh for the
State.

The petitioner seeks bail in anticipation of his
arrest in connection with Pirpainty P.S. Case No. 206 of
2018 dated 15.09.2018 instituted for the offences under
Sections 323, 325, 307, 354(B), 327, 448, 504, 506
and 34 of the Indian Penal Code.

The informant, who is the niece of the
petitioner, has alleged that ever since her father died,
her two neighbours who are also her uncles viz. Aniket
Pratap Singh @ Bittu Singh and Saurabh Kumar Singh
@ Raja Babu have been making attempts to misbehave
with her.

The immediate cause for lodging this case is



that when a fresh attempt was being made by aforesaid two persons viz. Aniket and Saurabh, to outrage her modesty, she raised hue and cry on which some other neighbours also arrived. In that context, it has been alleged that the petitioner came and with a bad intention pushed her. The petitioner is also alleged to have assaulted her on her hand leading to fracture. However, the FIR further indicates that two of the younger brothers of the informant have gone astray and instead of supporting the informant and her mother, have been taking sides of the accused persons including the petitioner.

Mr. Abhay Kumar Singh, learned counsel for the petitioner has submitted that from the bare reading of the FIR, two things would become evident; one there being a family dispute and the other that the allegations are over exaggerated. In support of the aforesaid contention, it has been submitted that the accused persons are none else but uncles of the informant. A genealogical table also has been provided in the bail petition which describes the petitioner and other accused persons as coming from the same family descent. The falsity of the allegation, it has been urged gets reflected from the fact that the two other accused persons who are alleged to have misbehaved with the informant in the past and on this occasion, had also filed a case



against the other uncles of the informant who were in support of her. In the occurrence for which a case was filed, one of the accused persons viz. Aniket got injured. However when he went to police station to lodge the case, he was arrested and was sent to hospital for treatment. This fact itself demonstrates that there was a fight in the family where persons of each side have been injured. In this background of family feud, learned counsel for the petitioner has submitted that it was very easy for an unmarried girl whose father had died to raise such allegation of physical misdemeanor, attempt to outrage her modesty and of assault. It has also been urged that during the course of investigation some of the witnesses who were independent have stated that the genesis of the occurrence was somebody urinating in front of the field/house of the informant, conflagrating the scuffle between the parties.

Prima facie, it appears that there is a family feud where some of the members of the family are on the side of the informant and her widow mother whereas others are opposed to them. Unfortunately, the petitioner who is also one of the uncles of the informant has become a cannon fodder.

However, considering the fact that there is a definite accusation in the FIR of the petitioner having assaulted the informant by means of a lathi, causing an



injury which has been opined to be grievous, I am not inclined to grant anticipatory bail to him. While saying so, I have also taken note of the fact that one of the accused persons who is said to have entered in the house of the informant for the purposes of committing rape with her has been granted bail only after his arrest.

Under the circumstances, the prayer for anticipatory bail is rejected.

However this Court directs that should the petitioner surrender before the court below and seek bail, the court below shall take into account the aforesaid facts especially the existence of family feud which has occurred after the death of the father of the informant, there being a case against the other side and one of the accused persons of this case having lesser allegation against him than that of petitioner, has been granted regular bail, shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

(Ashutosh Kumar, J)

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