

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5856 of 2019

Arising Out of PS. Case No.-1278 Year-2018 Thana- BIHTA District- Patna

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1. Sonu Kumar, aged about 19 years (male), S/o Sri Surendra Roy
 2. Aenty Roy, aged about 28 years (male), S/o Sri Sawanand Rai @ Sirhi Rai
 3. Pali Rai @ Pankaj Rai aged about 35 years (male), S/o Sri Sarwanand Rai @ Sirhi Rai
 4. Mukesh Rai aged about 30 years (male), S/o Sri Sarwanand Rai @ Sirhi Rai
- All residents of village- Bela, P.S. Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra
For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 324, 354(B) and 506 of the Indian Penal Code.

The prosecution case as per the written report of Bhumati Kumari submitted to SHO, Bihta Police Station is to the effect that on 12.11.2018, the informant received a information that the under construction house of the informant is being demolished by the accused persons, whereupon the informant along with her sister and grand parents went to the place of occurrence and were sitting inside the house, in the meantime 9 accused persons



including the petitioners came variously armed with pistol, bomb, kudal, pharsa etc., started demolishing the house of the informant, on protest being made by the Grandfather of the informant, petitioner no.1, Sonu Kumar and co-accused Surendra Rai brutally assaulted him with Kudal and when the informant and others came for his rescue, then co-accused Lalu, Arjun, petitioner no.1, Sonu Kumar and petitioner no.3, Pali Rai pushed the informant and her sister on the ground and tried to outrage their modesty. It is further alleged that co-accused Surendra Rai and petitioner no.2, Aenty Roi pointed pistol at them then and when grandparents came to their rescue, they were also brutally assaulted by the accused persons.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. It is further submitted that there was an earlier dispute between the informant and the petitioners with regard to Government land. There is no injury report brought on record to corroborate the accusation of assault made in the FIR, and the accusation of outraging the modesty is against the petitioners.

It is submitted by learned APP for the State that there is specific accusation against the petitioners.

Considering the fact that there is no medical report



brought on record to corroborate the accusation, moreover the impugned order also does not suggest that any medical examination of the informant and her sister was done, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **ACJM, Danapur** in connection with **Bihta P.S. Case No. 1278 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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