

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13348 of 2019

Arising Out of PS. Case No.-957 Year-2018 Thana- NAWADA District- Nawada

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Vidya Sagar @ Vidya Sagar Prasad, Son of Late Ramrup Prasad, R/o Mohalla- Sudama Nagar Par Nawada (Ambedkar Nagar, Chaudhary Nagar, Ward No. 28), P.S- Nawada Town, District- Nawada.

Permanent Address- R/o village- Jhunathi, P.O.- Asadhi, P.S- Muffasil, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bindi Kumari, Wife of Ajit Kumar, R/o Mohalla- Sudama Nagar Nawada, P.S- Nawada Nagar, District- Nawada, Mobile 7050507054

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-03-2019 Heard learned counsels for the petitioner and the State.

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

The prosecution case, as per the written report of Bindi Kumari submitted to the Station House Officer, Town Police Station, Nawada is to the effect that the informant was married with the younger brother of the petitioner, Ajit Kumar in the year 2007 who was a mentally abraded person and used to assault the informant. Till when, the father-in-law of the



informant was alive she was kept with dignity and honour. Thereafter, the petitioner and other in-law family members started torturing the informant and tried to grab her share in the matrimonial property. As a result, she started residing with her father and brother at Nawada and started working as a nurse in a nursing home. It is further alleged that the petitioner also tried to outrage the modesty of the informant, on alarm being raised, the petitioner escaped from the scene.

It is submitted by the learned counsel for the petitioner that in the background of dispute with regard to the share of the joint family property, the accusation has been levelled against the petitioner. It is further submitted that the accusation of outraging the modesty of the informant has been levelled in the FIR against the petitioner without giving the actual date of alleged occurrence and there is nothing on record to suggest the outraging the modesty has actually been made. Moreover, at an earlier point of time, the mother of the petitioner, Mosmat Samanti Devi filed informatory petitions on 24.10.2018 and on 10.12.2018 before the learned C.J.M., Nawada against the informant and another, as contained in Annexures 2 and 3. It is further submitted that the mother of informant also submitted a written report before the SHO, Town P.S. Nawada with the



accusation of assault by the informant. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the fact that neither the impugned order nor the FIR suggest the actual date and time of the alleged occurrence, the accusation being levelled in the background of a family dispute and the informatory petition being filed by the mother of the petitioner at an earlier point of time, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 **C.J.M., Nawada** in connection with **Nawada Nagar P.S. Case No.957 of 2018**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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