

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15183 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- MAHILA P.S. District- Nalanda

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UMESH KUMAR @ MUNNA, Son of Late Mahavir Prasad, Resident of
Village - Gajipur, P.S.- Bind, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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with
CRIMINAL MISCELLANEOUS No. 21184 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- MAHILA P.S. District- Nalanda

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1. BHAGWAT PASWAN, Son of Late Chintavan Paswan, Resident of Village-
Sherpur, P.S.- Rahui, District- Nalanda.
 2. Sujit Paswan @ Sujit Kumar, Son of Bhagwat Paswan, Resident of Village-
Sherpur, P.S.- Rahui, District- Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 15183 of 2019)

For the Petitioner/s : Mr.Anil Kumar No.1

For the Opposite Party/s : Ms.Meena Singh

(In CRIMINAL MISCELLANEOUS No. 21184 of 2019)

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-05-2019 Since both the cases arise out of the same P.S.case

number, they have been heard together and are being disposed

of by this common order.

Petitioners in both the cases seek bail in anticipation

of their arrest in connection with Mahila P.S. Case No. 4 of



2019 registered for the offences punishable under Sections 376, 354B, 504 and 506/34 of the Indian Penal Code.

Prosecution case as per written report of lady informant, who was working as Advocate Clerk, in short, is that she was working as an Advocate Clerk for the last four years and for the last two years she was working in the Chambers of co-accused Kundan, Advocate and her husband is a driver. It is alleged that two and a half months ago she was called by Kundan, Advocate, who sexually assaulted her but due to damage of prestige she had not made any complaint. It is also alleged that co-accused Kundan, Advocate and some other Advocate Clerks, namely, petitioner Bhagwat Paswan, Sujit Kumar, Dipu Chaudhary and petitioner Umesh Kumar @ Munna were teasing her and when she protested petitioner Umesh Kumar @ Munna threatened her and misbehaved with her and told her that if she would not seek apology her licence would be cancelled and thereafter her licence was cancelled.

Submission of learned counsel for the petitioners in both the cases is that as a matter of fact the informant was an Advocate Clerk and as there was some complaint against her licence was cancelled and petitioner Umesh Kumar @ Munna is the Secretary of the Advocate Clerks' Association and as such



being aggrieved by the same the present case has been filed. Even materials collected during investigation disclosed that no witness has supported the same, rather evidence disclosed that there was altercation between Advocate Kundan and the informant and later on her licence was cancelled and as such she has lodged this case. Police has tried to examined her by the Medical Board but she refused to appear before the Medical Board and as such the petitioners have falsely been implicated in this case.

Heard learned APP, who has submitted that in her statement under Section 164 Cr.P.C. she has supported the prosecution case However, he has conceded to the fact that other witnesses have not supported the prosecution case of committing rape, rather the witnesses have stated that her licence was cancelled and due to that she was aggrieved.

In view of above facts and circumstances, let petitioners, in the event of surrender before the court below within a period of six weeks from the receipt of this order be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda, Bihar Sharif, in connection with Mahila P.S. Case No. 4



of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioners shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned and further condition is that petitioners have to co-operate in the investigation.

(Vinod Kumar Sinha, J)

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