

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21710 of 2019**

Arising Out of PS. Case No.-824 Year-2018 Thana- BHABHUA District- Kaimur (Bhabua)

KAMLA BIND, Son of Late Sri Niwas Bind, Resident of Village - Bahuwan,
P.s.- Sonhan, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 08-04-2019 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 379, 354B and 436/34 of the Indian Penal Code.

The prosecution case as per the written report of Sonam Devi submitted to the S.H.O., Bhabua P.S. is to the effect that on 26.11.2018, the informant along with her husband was returning after getting treatment but on the way, co-accused, Guddu Bind, Garib Bind and the petitioner, Kamla Bind started abusing and assaulting the husband of the informant. On protest being made



by the informant, co-accused Guddu Bind after catching hold of her hand, pushed her on the ground with intention to outrage her modesty, as a result, the informant got disrobed. It is further alleged that on the same day at 08-09.00 P.M., all the FIR named accused persons came and after setting the house of the informant on fire, robbed household articles, cash Rs.30,000/- and jewellerys.

It is submitted by learned counsel for the petitioner that for the occurrence of 26.11.2018 at 07.00 P.M., the FIR has been registered on 03.12.2018 at 09.30 A.M. There is a counter version of occurrence being Bhabua (Sonhan) P.S. Case No.756 of 2018, lodged by the wife of co-accused, Garib Bind against the informant's side and thereafter as a retaliatory measure, the present case has been lodged against the petitioner. It is further submitted that in the background of serious land dispute between the parties, being Title Suit No.467 of 2016 which is pending, the accusation has been levelled against the petitioner. Moreover, similarly situated co-accused persons namely, Guddu Bind and Garib Bind have been granted anticipatory bail by Co-ordinate Bench of this Court, vide order dated 07.03.2019 passed in Cr. Misc. No.14110 of 2019. 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 of assault is specific against the petitioner.

Considering the delayed lodging of the case, the case lodged by the petitioner side at an earlier point of time, the accusation has been levelled in the background of pending title suit and similarly situated co-accused persons have been granted privilege of anticipatory bail by Co-ordinate Bench of the Court, coupled with 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 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) with two sureties of the like amount each to the satisfaction of the learned **C.J.M., Kaimur at Bhabua** in connection with **Bhabua P.S. Case No.824 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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