

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39837 of 2019

Arising Out of PS. Case No.-116 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Bishwanath Singh S/O Nandan Singh R/O Village- Kothiya, P.S.- N.H. Bangra, District- Samastipur.
 2. Devendra Singh @ Devendra Prasad Singh S/O Ram Prakash Singh R/O Village- Kothiya, P.S.- N.H. Bangra, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari D/o Ram Udgar Singh, Resident of Village - Kothiya, P.S.- N.H. Bangra, Distt - Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-06-2019 Heard both sides.

Petitioners apprehend their arrest in C.R. No.116 of 2018 for the offences punishable under Section 323, 448, 354 of the Indian Penal Code and under Sections, 8, 12, 21 of the POCSO Act.

The complainant named seven persons in the complaint petition. Petitioners are the fathers of Nand Kishore Singh, Saroj Kumar Singh and Pankaj Kumar Singh. The complainant alleged that Suman Singh, Sunil Singh (sons of Bishundeo Singh), Nand Kishore Singh (son of petitioner no.1) and Pankaj Kumar Singh (son of petitioner no.2) used to stalk



her. The complainant complained about ill behaviour of the accused persons but mukhiya and police did not take any action. The accused persons are sons of richmen of the village. It is further alleged that when the complainant and her family members went to complain to the parents of the boys, the parents of the boys did not respond properly.

Learned counsel for the petitioners submits that the complainant and petitioners are of the same family. Petitioners are fathers of Nand Kishore Singh and Pankaj Singh that is why they have been made accused in the case. No allegation is made against the petitioners save and except the fact that when the complainant and her family members came to the petitioners to complain about ill behaviour of the accused persons, the petitioners did not respond properly. It is further submitted that there is a land dispute for which a proceeding under Section 144 of the Cr.P.C. was initiated between the parties.

Having considered the facts and the nature of allegation made against the petitioners and the fact that there is no allegation of stalking against the petitioners and the petitioners are fathers of some of the accused persons, who are alleged to have stalked the complainant, the above named petitioners, in the event of their arrest or surrender before the



learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st, Samastipur in connection with C.R. No.116 of 2018 (T.R.No.92 of 2018), subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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