

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45661 of 2019

Arising Out of PS. Case No.-91 Year-2018 Thana- AKBARPUR District- Nawada

1. SUNIL PRASAD @ SUNIL MAHTO, aged about 27 years(Male), Son of Ram Balak Mahto
2. Kameshwar Prasad, aged about 32 years(Male), Son of Latan Mahto
3. Lav Kush Kumar, aged about 24 years(Male), Son of Kailash Mahto
All are Resident of Village - Chhotki Amba, P.S.- Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-07-2019 Heard both sides.

The petitioners apprehend their arrest in Akbarpur P.S.
Case No.91 of 2018 registered under Sections 307, 379, 354 and
other Sections of the Indian Penal Code.

The informant alleged in her written application that
nine accused persons including three petitioners having armed
with different weapons came to her house and put her down on
the ground. Shiv Shankar Prasad torn her cloths with an
intention to outrage her modesty. When her mother-in-law came
to save, Anup Prasad assaulted her with garasa and Sunil Prasad,
Lav Kush Kumar(petitioner Nos.1 and 3), Seema Devi,



Kameshwar Prasad(petitioner No.2) started strangulating her with an intention to kill her but on alarm, some persons came and saved their life.

The learned counsel for the petitioners submits that occurrence took place on 12.04.2018 but the present F.I.R. was lodged only on 13.04.018. Prior to institution of the present case, Shiv Shankar Prasad lodged Akbarpur P.S. Case No.90 of 2018 registered under Section 307 and other Sections of the I.P.C. in which the husband of the informant is an accused. In fact, the husband of the informant and others assaulted Shiv Shankar Prasad and others and in order to save their skin, the present case has been lodged belatedly. It is further submitted that there is no specific allegation of assault against the petitioners. Shiv Shankar Prasad and Anup Prasad have already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No.52106 of 2018.

Taking into consideration the facts aforesaid, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of



the learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No.91 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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