

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55549 of 2019

Arising Out of PS. Case No.-151 Year-2019 Thana- OBRA District- Aurangabad

-
1. Mukesh Kumar (Male) aged about 52 years Son of Balkeshwar Kumar
 2. Balkeshwar Paswan (male) aged about 75 years Son of Late Dhorik Pawan Resident of Village- Tara, P.S.- Obra, District- Aurangabad (Bihar).
 3. Vikash Paswan(male) aged about 51 years son of Balkeshwar Paswan Resident of Village- Tara, P.S.- Obra, District- Aurangabad (Bihar).
 4. Dheera Paswan @ Deeraf Paswan Male) aged about 48 years Son of Balkeshwar Paswan
All are resident of Village- Tara, P.S.- Obra, District- Aurangabad (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Partys

Appearance :

For the Petitioner	:	Mr. Anirudh Kumar Verma, Advocate
For the Opposite Party	:	Mr. Brajendra Nath Pandey, APP
For the Informant	:	Mr. D.K. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code registered in connection with Obra P.S. Case No. 151 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of petty dispute over the drainage and the accusation against the petitioner no. 1 of having entered into the house of the informant with intention to outrage the modesty of the informant's daughter is highly improbable in presence of all the family members as the parties are agnates. The accusation of assault with *lathi*, *danda* and *dabia* is general and omnibus in nature without any specific assault attributed individually. In any event, injuries



sustained by the informant's side are simple in nature. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant appearing suo motu has been heard. It is submitted on behalf of the informant that the petitioner no. 1 is alleged to have entered the house of the informant with intention to outrage the modesty of the informant's daughter and such accusation is supported by the injury report of the informant's daughter. It is further submitted that the act of the petitioner no. 1 is said to have been committed prior to the informant and his son-in-law having arrived at the spot. Statement is made at the Bar that the informant's daughter has sustained injuries on her chest which corroborates the accusation against the petitioner no. 1.

5. Having regard to the nature of accusations, gravity of offence alleged as well as submission of the informant that his daughter sustained injuries on her chest, this Court is not inclined to grant anticipatory bail to petitioner no. 1, namely, Mukesh Kumar. His anticipatory bail petition stands dismissed.

6. As regards petitioner nos. 2, 3 and 4, namely, Balkeshwar Paswan, Vikash Paswan, Dheera Paswan @ Deera Paswan, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Obra P.S. Case No. 151 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of petitioner nos. 2, 3 and 4 shall be their close relatives.

(ii) That petitioner nos. 2, 3 and 4 shall not indulge in any similar offence till conclusion of the trial.



(iii) That petitioner nos. 2, 3 and 4 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That petitioner nos. 2, 3 and 4 shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

BT/-

U		T	
---	--	---	--

