

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69601 of 2019

Arising Out of PS. Case No.-37 Year-2018 Thana- SAHEBPUR KAMAL District- Begusarai

1. GOPAL @ GOPAL SINGH @ INDRAJEET SINGH Son of Khagesh Singh
2. Bindeshwary Singh S/o Late Mehilal Singh
3. Ramashish Singh Son of Late Mehi Lal Singh
4. Khagesh Singh @ Khagesh Pd. Singh Son of Late Mehilal Singh
All resident of Village- Sanha Parora, P.S.- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-11-2019 Heard both sides.

The petitioners apprehend their arrest in S.Kamal(Sahebpur Kamal) P.S. Case No.37 of 2018 registered under Sections 447, 341, 323, 354, 379, 504 and 34 of the Indian Penal Code.

The informant alleged that while she was alone with her mother in her house, Gopal @ Indrajeet Singh tried to disrobe her with an intention to outrage her modesty but on alarm, her father and brother came. Gopal assaulted her brother with iron rod on his head. Gopal also assaulted the father of the informant. It is further alleged that all accused persons came and



took away different articles from her house.

The learned counsel for the petitioners submits that occurrence is said to have taken place on 23.02.2018 but the present F.I.R. was lodged only on 01.03.2018. For the occurrence dated 23.02.2018, Khagesh Singh(petitioner No.4) lodged Sahebpur Kamal P.S. Case No.34 of 2018 on 23.02.2018 itself. When the case of the petitioner was lodged, the informant lodged the case making false and frivolous allegation only on 01.03.2018. The occurrence took place due to cutting of trees.

Learned counsel for the informant as well as learned A.P.P. while opposing prayer for anticipatory bail submits that the informant also gave the application on 23.02.2018 itself but the Officer-in-Charge did not register the case immediately and when inquiry was made, the Officer-in-Charge of the P.S. registered the case on 01.03.2018.

It appears that on 23.02.2018 from the side of the petitioners, Sahebpur Kamal P.S. Case No.34 of 2018 was registered in which it is alleged that the brother and father of the informant cut two trees of the petitioners and for that, the brother and father of the informant assaulted Khagesh Singh(petitioner No.4) and others only thereafter from the side of the informant, the present case was lodged on 01.03.2018.



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 Judicial Magistrate 2nd Class, Begusarai namely Sri Nashim Nazar in connection with S. Kamal(Sahebpur Kamal) P.S. Case No.37 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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