

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48531 of 2018

Arising Out of PS. Case No.-849 Year-2017 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Bhabhua (Kaimur)

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1. Sonu Paswan,
 2. Tun Tun Paswan @ Tun Tun Kumar Paswan,
 3. Munna Paswan.
- All Sons of Bigu Paswan, R/o Vill.- Nisija , P.S.- Karmchat, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shilpa, D/o Munni Singh, R/o Vill.- Nisija , P.S.- Karmchat, District- Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh
For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 354 and 323/34 of the Indian Penal Code.

The prosecution case as per the complaint petition filed by Ms. Shilpa, is to the effect that whenever the complainant and her sister used to go to the grocery shop or to their school, then petitioner no.1, Sonu Paswan, and petitioner no.2, Tun Tun Paswan used to take photographs of the informant and her sister



and used to circulate them to their friend after some fabrication. It is alleged that on 05.07.2017, the accused persons abused and assaulted the informant and her sister. It is further alleged that on the date of occurrence i.e., 03.02.2017 when the informant along with her sister went to ease out, all the accused persons took their photographs.

It is submitted by learned counsel for the petitioner that for the occurrence of 03.02.2017, 05.07.2017 and 15.07.2017, the complaint was filed on 18.07.2017. The father of the complainant Munni Singh, also lodged Karamchat P.S. Case No. 34 of 2017 with accusation for the offences punishable under Sections 341, 323, 325, 354(A), 379, 504/34 of the I.P.C., wherein the petitioners were granted bail, since the complainant retracted from the accusation levelled against the petitioners. However on 06.07.2017, prior to filing of the present case, a case was lodged by one of the petitioners against the complainant's side being Karamchat P.S. Case No.35 of 2017, with accusation for the offences punishable under Sections 341, 323, 506/34 of IPC and 3 (1) (r) (s) of SC/ST (Prevention of Atrocities) Act. It is further submitted that no medical report of the complainant has been brought on record. Moreover, apart from the present case the petitioners are also an accused in one



other case, lodged by the father of the complainant, in which they are on bail.

After going through the case diary, it is submitted by the learned APP for the State that finally cognizance has been taken under Section 354, 323/34 of the IPC.

Considering the delayed lodging of the complaint and case lodged by the father of the complainant at an earlier point of time which does not support the accusation against the petitioners levelled in the complaint, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned **CJM, Kaimur at Bhabua** in connection with **Complaint Case No. 849 of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the records of Complaint Case No. 849 of 2017 be transmitted back to the lower Court.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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