

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9019 of 2020

Arising Out of PS. Case No.-226 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. KAPILDEO SINGH Son of Late Sri Bhagwan Singh, Resident of Village - Rampur Kala, P.S.- Phulwaria, Distt - Gopalganj.
2. Pawan Kumar Son of Kapildeo Singh, Resident of Village - Rampur Kala, P.S.- Phulwaria, Distt - Gopalganj.
3. Sunil Chaudhary Son of Om Chaudhary @ Ota Chaudhary, Resident of Village - Rampur Kala, P.S.- Phulwaria, Distt - Gopalganj.
4. Kundan Chaudhary Son of Rajesh Chaudhary @ Rajendra Chaudhary, Resident of Village - Rampur Kala, P.S.- Phulwaria, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners apprehend their arrest in connection with Phulwaria P.S. Case No. 226 of 2019 for the offence punishable under Section 307, 379 and other allied Sections of the Indian Penal Code.

The allegation is regarding the accused persons having assaulted the informant and his family members as also it is alleged that the accused persons had tried to outrage the modesty of the wife and daughter of the informant.



The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that as far as the petitioners no. 2 to 4 are concerned, there is no allegation of any sort of assault or outraging the modesty of the prosecution party, however, a general and omnibus allegation has been levelled against the petitioner no.1 of having caught the hair of the lady. It is further submitted that there is no injury report on record to suggest any injury having been sustained by the members of the prosecution party, thus, it is submitted that the petitioners may be granted the privilege of anticipatory bail.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail as far as the petitioner no.1 is concerned, and it is submitted that there is allegation of outraging of modesty of the family members of the prosecution party qua the petitioner no.1.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, I deem it fit and proper to direct for release of the petitioners on anticipatory bail.

Accordingly, in the event of arrest or surrender in the



court below within a period of four weeks from today, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj in connection with Phulwaria P.S. Case No. 226 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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