

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9872 of 2020

Arising Out of PS. Case No.-344 Year-2019 Thana- BAJPATTI District- Sitamarhi

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Vivekanand Kumar S/o Hari Kishore Singh @ Harinarayan Mahendra Singh
Resident of Village- Bangaon Dakshini, P.S.- Bajpatti, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2020 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Sections 341, 323, and 354(B)/34 of IPC.

The prosecution case, as per the written report of Kajal Kumari submitted to the Station House Officer, Bajpatti Police Station, is to the effect that on 08.10.2019 at about 6:30 PM, when the informant was returning after visiting Durga Puja, on the way, the petitioner, Viveknand Kumar, co-accused Rajiv Kumar and one unknown person started molesting her and when the informant made protest, then all the accused persons



including the petitioner started assaulting her, whereupon the informant raised alarm, then the local people came on spot, however, the informant got unconscious and subsequently she brought to her home by one Shiv Balak Raut.

It is submitted by the learned counsel for the petitioner that in the background of earlier dispute between the informant's family and the petitioner's family, the accusation has been levelled against the petitioner. There is no injury report of the informant on record. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in FIR with specific accusation.

Considering the nature of the accusation and the fact that there is no medical report on record to corroborate the accusation of assault by the petitioner, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M (P), Sitamarhi, in



connection with Bajpatti P.S. Case No.344 of 2019 subject to
the condition as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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