

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65535 of 2019

Arising Out of PS. Case No.-337 Year-2019 Thana- BODHGAYA District- Gaya

1. AKHILESH RAJAK Son of Late Manki Rajak Resident of Village - Paluhara, P.S.- Gurua, District - Gaya, at present residing in Village - Mastipur, P.S.- Bodh Gaya, District - Gaya.
2. Ujjawal Kumar @ Ujwal Kumar Son of Akhilesh Rajak Resident of Village - Paluhara, P.S.- Gurua, District - Gaya, at present residing in Village - Mastipur, P.S.- Bodh Gaya, District - Gaya.
3. Vikram Kumar Son of Akhilesh Rajak Resident of Village - Paluhara, P.S.- Gurua, District - Gaya, at present residing in Village - Mastipur, P.S.- Bodh Gaya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-03-2020 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 354, 504, 34 of the Indian Penal Code.

The prosecution case as per the written report of Nitu Devi submitted before the Bodhgaya Police Station is to the effect that on 21.07.2019 at 8.00 P.M., when the informant went to see his under constructed house, all the petitioners entered into her under constructed house with bad intention and when the informant raised alarm, they abused her, touched her with bad



intention and confined the informant into a room and locked the door of the room from outside.

It is submitted by learned counsel for the petitioners that in the background of earlier land dispute, the accusation has been levelled against the petitioners. Moreover, the accusation of outraging the modesty of the informant by petitioner no.1 along with his two sons who are petitioner nos. 2 and 3, appears to be unreasonable and unbelievable. It is further submitted that petitioner no.1 is an advocate and for the alleged occurrence of 21.07.2019, the FIR has been registered on 23.07.2019. Moreover, there is no material on record to corroborate the accusation of outraging the modesty of the informant. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State after going through the case diary submits that there is specific accusation against the petitioners in the FIR.

Considering the delayed lodging of the case and the nature of accusation being levelled against the petitioners being father and sons in the background of earlier land dispute, the accusation not being corroborated by any cogent material coupled with statement made in paragraph no.3



of the petition that the petitioners are not having any criminal antecedent, 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, Gaya, in connection with Bodh Gaya P.S. Case No.337 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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