

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74578 of 2019

Arising Out of PS. Case No.-412 Year-2018 Thana- MAJHAULIA District- West Champaran

1. DINANATH SAHNI Son of Kapildeo Sahni Resident of Village - Senuwariya, P.S.- Majhauria, Distt - West Champaran.
2. Sita Kumari D/o Dinanath Sahani Resident of Village - Senuwariya, P.S.- Majhauria, Distt - West Champaran.
3. Ramawati Devi Wife of Dinanath Sahni Resident of Village - Senuwariya, P.S.- Majhauria, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-03-2020 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Majhauria Police Station Case No. 412 of 2018, disclosing offences under Sections 341/323/354C/504/506/34 of the Indian Penal Code and Sections 8/12 of the Protection of Children from Sexual Offences Act, 2012.

The allegation against the petitioners, as per the First Information Report, is that the informant was intercepted by co-accused Sumant Sahni, who tried to outrage her modesty and in the mean while, the petitioners started abusing and assaulting



her by means of iron rod, causing injuries on her left hand.

Learned Counsel for the petitioners submits that both the parties are co-villagers and there is case and counter case inasmuch as for the same incident, the petitioners' side have also lodged Majhulia Police Station Case No. 402 of 2018, which is prior in time to the First Information Report lodged by the informant against the petitioners. He further submits that the date of occurrence is 07.09.2018, but the present First Information Report has been lodged on 25.09.2018, i.e. after a delay of about 18 days and there is no explanation for the same. He further submits that no injury has been caused to the informant due to the alleged assault and there is previous enmity between the parties. He, referring to Annexure-3 series, submits that the side of the petitioners have received injuries. He, referring to Annexure-4, which is a complaint case filed by co-accused Kapildeo Sahni against the father of the informant and another person, in which the petitioner no. 1 had deposed on 04.09.2018, submits that in retaliation of the same, the present First Information Report has been lodged for an occurrence allegedly took place on 07.09.2018. He next submits that main co-accused Sumant Sahni has been granted anticipatory bail by order dated 18.12.2019, passed in Criminal Misc. No. 84023 of



2019.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, there is case and counter case between the parties, no apparent injury has been brought on record by the prosecution and main co-accused Sumant Sahni has been granted anticipatory bail by this Court, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Speial Judge (SC/ST/POCSO), West Champaran, at Bettiah, in connection with Majhaulia Police Station Case No. 412 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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