

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82147 of 2019

Arising Out of PS. Case No.-241 Year-2019 Thana- KATIHAR District- Katihar

1. TUNTUN @ SANTOSH SINGH @ TUNTUN SINGH @ SANTOSH KUMAR SINGH, aged about 24 years, Male, S/o Sri Prem Nath Singh, Resident of Jagarnath Mandir, P.S.- Sahayak, District- Katihar
2. Mantu @ Suraj Kumar@ Mantu Yadav, aged about 25 years, Male, S/o Sri Mukhiya Yadav, Resident of Barmasia, P.S.- Sahayak, District- Katihar

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Praveen Kumar, Adv.
For the Opposite Party : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 25-06-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state through video conferencing.

The petitioners seek pre-arrest bail in connection with Katihar Sahayak P.S. Case No. 241 of 2019, registered under Sections 341, 323, 307, 354(A), 354(B), 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that in the evening of 02.04.2019, Ashish Yadav @ Rahul Yadav and both the petitioners, along with 7 unknown miscreants, variously armed with weapon, started to create nuisance in front of the shop of the informant, Vijay Laxmi. Ashish Yadav @ Rahul Yadav and others entered in her jewellery shop where her son, Akhilesh Kumar, was



present with one customer, Dilip Kumar Thakur, with intention to kill, gave iron rod blow on forehead of her son and his associates started to pull his son holding gamchha in his neck and also caused injury on his son. Her son became unconscious. When her daughter made intervention, the accused persons also misbehaved with her daughter, Anpurna Kumari, and tried to outrage her modesty. At that time, they also took away gold ornaments and also cash worth of Rs.50,000/-.

Submission is that in fact, due to outraging the modesty of a girl by Akhilesh Kumar, son of the informant, public started to assault him, in which he fell down and sustained injury, where the petitioners were present, but, with ulterior motive the petitioners have been implicated in this case. Further, submission is that while it is alleged in the first information report that Akhilesh Kumar, son of the informant was brutally assaulted, but, in paragraph 72 of the case diary only three injuries were found, which are simple in nature, caused by hard and blunt substance. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in



connection with Katihar Sahayak P.S. Case No. 241 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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