

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85411 of 2019

Arising Out of PS. Case No.-232 Year-2017 Thana- RAGHUNATHPUR District- Siwan

MAJISTER SINGH Son of Late Khublal Singh Resident of Village -
Gabhirar, P.S.- Raghunathpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanhaiya Prasad Singh, Sr. Advocate

Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Raghunathpur P.S. Case No. 232 of 2017 for the offence registered under Sections 341, 323, 448, 376, 364, 511, 504, 506/34 of the Indian Penal Code and Section 12 of the POCSO Act.

The allegation is regarding the son of the petitioner, namely, Uday Kumar, having tried to commit rape upon the daughter of the informant, however, upon alarm being raised, the brother and the father of the informant had arrived at the place of occurrence and subsequently the petitioner had also arrived there whereafter the petitioner had rescued his son and had exhorted his son to carry the daughter of the informant with



him and to do whatever he wants to do with her. It is further alleged that the petitioner and other accused persons had assaulted the informant and others.

The learned senior counsel for the petitioner Shri Kanhaiya Prasad Singh has submitted that if at all the allegation of attempt of rape has been levelled, it has been levelled against the son of the petitioner and the petitioner is 75 years of age and is not expected to do such type of things. It is further submitted that even the Police during the course of investigation has found the case to be untrue and has submitted the final form whereafter on the basis of the protest petition and subsequent enquiry, the learned trial court has taken cognizance of the offence alleged. Lastly, it is submitted that the petitioner is having a clean antecedent and is not likely to flee away from the investigation, if any, or the ensuing trial.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail and has submitted that father of the main accused, namely, Uday Prasad, was not expected to exhort his son to commit untoward incident with the daughter of the informant.

Having regard to the facts and circumstances of the case and considering the fact that the Police has filed a final



form finding the case to be untrue during the course of investigation as also taking into account the fact that the allegation of attempt to rape has been levelled against the son of the petitioner and not the petitioner, I deem it fit and proper to grant anticipatory bail to the petitioner herein.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Siwan in connection with Raghunathpur P.S. Case No. 232 of 2017 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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