

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79549 of 2019

Arising Out of PS. Case No.-969 Year-2017 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Sheonath Paswan Son of Singeswar Paswan Resident of Village- Malikpur,
P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Munni Devi Wife of Mithilesh Kumar Singh Resident of Village- Malikpur,
P.S.- Goraul, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karuna Nath Sahay, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 24-03-2021 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Complaint Case No.969 of 2017, registered for the offences punishable under Sections 341/323/352/353 of the Indian Penal Code.

This Court had refused the prayer for anticipatory bail to the petitioner on 28.01.2019. The petitioner was to surrender and pray for regular bail but the petitioner had not complied the said order nor challenged the same to a superior



Court.

Prayer has been renewed on the ground that co-accused Ram Nath Paswan, who carries main allegation, has already been allowed anticipatory bail by a coordinate Bench of this court in Cr. Misc. No.10599 of 2019 on 06.08.2019.

One thing is evident that order of this Court dated 28.01.2019, whereby prayer for anticipatory bail to the petitioner was refused, was not brought to the notice of the Hon'ble Bench which was considering prayer for anticipatory bail of co-accused Ram Nath Paswan.

According to prosecution case, the complainant was inside her house in the night. At the same time, co-accused Ram Nath Paswan and this petitioner came to her house. They knocked the door. The informant opened it. The accused persons entered into her house and thrashed her on the bed. The accused persons took out her clothes and Ram Nath Paswan allegedly set on her body and committed other acts which apparently discloses a case of attempt to rape.

Considering the nature of allegation against the petitioner, I am still of the view that this is not a fit case for grant of anticipatory bail. Hence, the prayer for anticipatory bail is refused with cost of rupees five thousand to be deposited in



the victim compensation fund. The cost must be deposited before surrender before the Court-below within two weeks of this order.

(Birendra Kumar, J)

Mkr./-

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