

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14086 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- KATEYA District- Gopalganj

1. DHARMENDRA CHAUHAN @ DHARMENDAR Son of Late Bhanu Pratap Chauhan Resident of village - Koisa Khurd, Police Station - Kateya, District - Gopalganj.
2. Bulet Chauhan @ Bulat Chauhan Son of Late Bhanu Pratap Chauhan Resident of village - Koisa Khurd, Police Station - Kateya, District - Gopalganj.
3. Pratima Devi @ Pratibha Devi Wife of Munna Chauhan Resident of village - Koisa Khurd, Police Station - Kateya, District - Gopalganj.
4. Baby Devi Wife of Dharmendra Chauhan @ Dharmendar Resident of village - Koisa Khurd, Police Station - Kateya, District - Gopalganj.
5. Ishrawati Devi @ Israwati Devi Wife of Late Bhanu Pratap Chauhan Resident of village - Koisa Khurd, Police Station - Kateya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-01-2022 Heard learned counsel for the petitioners and learned APP
for the State through virtual court proceedings.

Petitioners apprehend their arrest in connection with
Kateya P.S. Case No.01 of 2020, registered for the offence
punishable under sections 341, 323, 354(B), 504/34 of the IPC
and sections 8/12 of the POCSO Act.

The crux of the prosecution case is that while the
informant's daughter was taking bath behind the house, accused



Manoj Chauhan came there and caught her hand, on alarm raised by her, the informant came for rescue but he inflicted knife blow on informant's head and fled away. Thereafter, family members of the accused Manoj Chauhan came hurling abuses and assaulted the informant and her daughter by means of lathi and danda.

It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have not committed any offence. They have been falsely implicated in this case due to dirty village politics. There is general and omnibus allegation against the petitioners and the specific allegation is against co-accused Manoj Chauhan. The petitioners have been made accused in the present case only because they are family members of Manoj Chauhan. The allegation of giving knife blow on the head of the informant is also confined to the accused Manoj Chauhan. It is submitted that during course of investigation, the witnesses have stated that the Manoj Chauhan gave bad finger signs to the victim and the victim informed it to her mother (informant) who complained about the same to the father of Manoj Chauhan but he started abusing the informant and her daughter. Then the said accused came and assaulted the informant by bricks on her head. Thereafter, the petitioners came with lathi-danda and started abusing, shouting and assaulting the informant and her daughter,



which is also not specifically alleged. It is further submitted that there is a previous enmity between the parties and as such, this false case has been lodged. During investigation, the age of the victim has not been examined by the medical board. In the FIR, earlier the age of the victim was mentioned as 18 years and thereafter the same was said to be 10 years. The victim has not sustained any injury. Petitioners have no criminal antecedent, as also mentioned in para-3 of the anticipatory bail application.

Learned APP for the State opposed the prayer for bail.

In the facts and circumstance of the case, the above named petitioners, in the event of their surrender/arrest before the learned Court below within a period of six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Gopalganj, in connection with Kateya P.S. Case No.01 of 2020, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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