

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55436 of 2022

Arising Out of PS. Case No.-185 Year-2022 Thana- SIDHWALIYA District- Gopalganj

Rajeshwar Prasad, aged about 52 years, Gender- Male, s/o Guraji prasad r/v-
Salempur Derwan, Police station- Sidhwaliya, District-Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-12-2022 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Sidhwaliya
P.S. Case No. 185 of 2022 registered for the offence
punishable under Sections 341, 323, 504, 506, 371, 376 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
informant has stated allegations which are in relation to a
period 18 years back, alleging that while she was 13-14 years
of age, the petitioner who happens to be his uncle started
subjecting her to sexual abuse. A series of allegations has
been made, thereafter alleging that she was also sold and



assaulted.

The learned counsel for the petitioner submits that F.I.R. disclosed allegations spread over 18 years. From bare perusal of the same, it is apparent that after stating all these allegations spread over last 18 years, the informant has stated that the petitioner was asking her to relinquish her mother's share in the property. From perusal of the F.I.R., it is apparent that the same is lodged containing such allegations spread over events spanning the last 18 years, based on lust for land, share and property. The petitioner's mother had earlier lodged Barauli P.S. Case No. 64 of 2007 against the petitioner for the alleged offences under Section 341, 323, 324, 379, 34 of the Indian Penal Code. The petitioner is accused in one more case namely Gopalganj P.S. Case No. 09 of 2022 under Sections 341, 323, 406, 420 of I.P.C. and Section 3 (1) (r) (s), 3 (2) (va) SC/SC Ac, which was compromised between the parties. In the earlier case, by the petitioner's mother, he is on bail and in the instant case he is in custody since 23.05.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the fact that F.I.R. contains allegations spanning over the last 18 years and it indicate's some land dispute between the parties, this



Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gopalganj, in connection with Sidhwaliya P.S. Case No. 185 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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