

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67657 of 2021

Arising Out of PS. Case No.-155 Year-2021 Thana- NATHNAGAR District- Bhagalpur

GYANDEO KUMAR @ GYAN KUMAR S/O GOURI MANDAL, R/o
village- Madopur, P.S.- Nathnagar, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Adv.

For the Opposite Party/s : Mr.Ajay Pathak, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks anticipatory bail in connection with Nathnagar P.S. Case No. 155 of 2021, registered under Sections 341, 323, 354(B), 448,376,504,506/34 of the Indian Penal Code, 1860.

As per the allegation made in the F.I.R., informant Kalpi Devi has intimated to the police Nathnagar on 07.03.2021 that on the night of 05.03.2021 accused Raju Kumar Mandal forcibly undressed her and tried to commit rape. Thereafter, informant and her husband went to the house of Raju Kumar Mandal to make a complain, thereafter petitioner and other family members assaulted and abused the informant. It has been specifically alleged in the F.I.R. that Raju Kumar Mandal has

committed forcibly rape with informant two years ago and threatened to kill the entire family.

Learned counsel for the petitioner submits that from the F.I.R. there is direct allegation upon Raju Kumar Mandal to commit the crime. He further submits that the uniqueness of this case is that the entire family members of Raju Kumar Mandal were made accused in this case. Gyandeo, the present petitioner is a nephew of Raju Kumar Mandal. He further submits that the present F.I.R. has been lodged on 07.03.2021 for the occurrence of 05.03.2021, whereas for the said occurrence the mother of Raju Kumar Mandal namely, Meera Devi has lodged F.I.R. against the husband of the informant and other persons on 06.03.2021 bearing Nathnagar P.S. Case No.154 of 2021. There is no allegation of any tampering of witness.

Learned A.P.P. opposes the prayer for bail but simultaneously only accept that from the same date of occurrence, there is a case and counter case.

In the present facts and circumstances of the case that for the same date of occurrence, there is a case and counter case from both the sides and specific allegation is against Raju Kumar Mandal, let the petitioner, above-named, in the event of his arrest/surrender within four weeks from today in the Court

below, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Pooja Sharma, learned J.M. Ist Class, Bhagalpur, in connection with Nathnagar P.S. Case No.155 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Dr. Anshuman, J)

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