

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71198 of 2021**

Arising Out of PS. Case No.-258 Year-2021 Thana- SIRDALA District- Nawada

CHANDAN KUMAR Son of Vijay Mistri Resident of village - Pathra, P.S.-
Meskaur, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Syed Asgher Najmi, Advocate
For the Opposite Party/s	:	Ms.Pushpa Sinha, APP
For the Informant	:	Mr.Ravindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 504, 506, 379,
354, 307 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.09.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The informant alleges that the petitioner used to
misbehave with her minor daughter aged about 16 years, further
on 17.06.2021, when her daughter had gone to attend the call of
nature, the petitioner tried to outrage her modesty on which the
victim fled and came back home and disclosed the occurrence,



on which the informant went to the house of the petitioner to inquire on which the petitioner threatened to assault with an iron rod, hence they came back home. It is further alleged that thereafter the petitioner along with named accused persons came to the house of the informant and the petitioner ordered to kill and even assaulted her husband on head by an iron rod repeatedly causing injury and the other accused persons also assaulted other family members as detailed in the F.I.R.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is submitted that from perusal of the allegation as alleged in the F.I.R. it would manifest that petitioner, a stranger to the family was trying to tease and outrage the modesty of the daughter of the informant when the husband of the informant is own uncle of the petitioner. It is further submitted that deliberately the relationship was concealed in the F.I.R. in order to make out a case that a stranger was trying to create disturbance in the family which led to the occurrence when in reality there is a land dispute between the parties as the mother of the petitioner had purchased a piece of land which the husband of the informant also intended to purchase and on account of which, the present occurrence took place as the side of the informant



had come to the house of the petitioner on the said issue when an altercation took place between the family members and both parties assaulted each other for which from the side of the petitioner Meskaur P.S. Case No. 259 of 2021 has been instituted. Learned counsel submits that the petitioner has been implicated only with a view to coerce the family into submission so that they agree to resell the land which the mother of the petitioner had purchased.

Learned A.P.P. for the State and the learned counsel for the informant vehemently oppose the prayer for bail of the petitioner but the learned counsel for the informant, at the outset based on instruction, very fairly submits that the petitioner and the husband of the informant are own nephew and uncle and thus is not in a position to explain as to why this relationship was concealed but then submits that there is a direct allegation against the petitioner of assaulting the husband of the informant.

Considering the fact that the petitioner is in custody since 06.09.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty



Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Meskaur Sirdala P.S. Case No. 258 of 2021, with a condition that one of the bailors of the petitioner shall be his brother-in-law, Sharwan Mistri.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

