

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37225 of 2023

Arising Out of PS. Case No.-1309 Year-2022 Thana- KHAGARIA District- Khagaria

1. SITA DEVI W/O RAVIN SINGH R/O Village Sonbarsa Mathurapur, Ward No.1, PS. and Dist. Khagaria
2. MUKESH KUMAR @ MUKESH MAKER S/O RAVIN SINGH R/O Village Sonbarsa Mathurapur, Ward No.1, PS. and Dist. Khagaria
3. DILKHUSH KUMAR S/O RAVIN SINGH R/O Village Sonbarsa Mathurapur, Ward No.1, PS. and Dist. Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-07-2023 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 3, in order to enable him to surrender before the learned Court below within a period of four weeks from today and avail the privilege of regular bail.

Accordingly, the present petition qua the petitioner no. 3 stands dismissed as not pressed.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Khagaria P.S. Case No. 1309 of 2022 (G.R.No.



3602/22), registered for the offence punishable under Sections 341, 323, 307, 354(B) and 379/34 of the Indian Penal Code.

3. The case of the prosecution in brief is that when the daughter of the informant was returning back from the Bank, after taking out some money, on the alleged and time of occurrence, the petitioner no. 3 had caught hold of her hand near Shiv temple and had tried to molest her, however, the daughter of the informant had escaped and had then returned back to her home. It is further alleged that when the daughter of the informant had disclosed about the said incident to her parents, her parents had gone to the house of the petitioner no. 3, where the petitioners no. 1 and 2 had abused and assaulted the informant and his wife.

4. The learned counsel for the petitioners no. 1 and 2 submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners no. 1 and 2 has further submitted that the main allegation is against the petitioner no. 3, however, a general and omnibus allegation has been levelled qua the petitioners no. 1 and 2, hence, they be granted the privilege of anticipatory bail.

5. Per contra, the learned APP for the State has vehemently



opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners no. 1 and 2, taking into account the materials available on record as also considering the fact that as far as the petitioners no. 1 and 2 are concerned, a general and omnibus allegation has been levelled and the injuries, if at all sustained by the informant and his wife, have been found to be simple in nature, hence, I deem it fit and proper to admit the petitioners no. 1 and 2 to the privilege of anticipatory bail.

7. Accordingly, the petitioners no. 1 and 2 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S.Case No. 1309 of 2022 (G.R.No. 3602/22), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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