

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44796 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- TAJPUR District- Samastipur

1. Shalu Devi @ Shalu Kumari Wife Of Pawan Kumar Singh Resident Of Reriyahi Halai, Tajpur, P.S- Tajpur, Dist- Samastipur
2. Urmila Devi @ Urmila Singh Wife Of Kundan Kumar Singh Resident Of Reriyahi Halai, Tajpur, P.S- Tajpur, Dist- Samastipur
3. Yogi Singh @ Jogi Singh Son Of Late Babu Lal Singh Resident Of Reriyahi Halai, Tajpur, P.S- Tajpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44842 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- TAJPUR District- Samastipur

Pawan Kumar Singh Son Of Yogi Singh @ Jogi Singh R/O Village- Reriyahi, Halai, Tajpur, P.S.- Tajpur, District- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44796 of 2022)

For the Petitioner/s : Mr. N.K Agarwa, Sr. Advocate
Mr. Arvind Kumar, Advocate
Mr. Kumar Randeep, Advocate
Mr. Shyam Kumar, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem
(In CRIMINAL MISCELLANEOUS No. 44842 of 2022)

For the Petitioner/s : Mr. N.K Agarwa, Sr. Advocate
Mr. Arvind Kumar, Advocate
Mr. Kumar Randeep, Advocate
Mr. Shyam Kumar, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 25-01-2023 Learned counsel for the petitioners is permitted to



remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 147, 148, 323, 379, 376, 511, 504 and 506 read with 34 of the Indian Penal Code and Section 4, 6 and 8 of the POCSO Act.

As per prosecution case, on 07.03.2022 around 11 P.M. the co-accused persons entered the house of the informant and the co-accused Kundan Kumar Singh started rubbing private part of the daughter of the informant who is aged about 16 years and the petitioner Pawan Kumar Singh unbuttoned her pant forcibly. In the meantime, the informant's daughter started shouting upon which informant rushed there and saw that the co-accused Kundan Kumar Singh and Pawan Kumar Singh had caught her daughter and when the informant tried to catch them they fled away. When the informant went to complain to their house the petitioner Yogi Singh, Salu Devi, Urmila Singh and the co-accused Rubi Kumari became angry and started abusing her and the petitioner Yogi Singh ordered other persons to assault the informant upon which co-accused Bindan Kumar



slammed her down then all of them assaulted the informant with fist and legs. The petitioner Urmila Devi also snatched a golden chain weighing one and half *bhar* worth Rs. 75,000/-.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner No. 1 has clean antecedent whereas petitioners No. 2 and 3 are accused in one more criminal case and the petitioner Pawan Kumar Singh is accused in one more criminal case as stated at para 3 of the bail petition. Learned counsel further submitted that there is 14 days delay in lodging the F.I.R. The victim girl in her statement recorded u/s 161 and 164 of the Cr.P.C. is itself contradictory. The petitioner No. 1 and 2 are ladies. No case is made out against the petitioners.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court



concerned, Samastipur in connection with Tajpur (Halai) P.S. Case No. 174 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with a condition to petitioner Pawan Kumar Singh in Cr. Misc. No. 44842 of 2022 :-

1. The petitioner (Pawan Kumar Singh) is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond .

This application stands allowed.

(Chandra Prakash Singh, J)

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