

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50918 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- GUTHANI District- Siwan

1. DHANU UPADHYA S/o Madan Upadhyia Resident of Village- Guthani, P.S.- Guthani, District- Siwan.
2. Bhola Upadhyia S/o Madan Uapadhyia Resident of village- Guthani, P.S.- Guthani, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51540 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- GUTHANI District- Siwan

SATYAM KUMAR UPADHYAY @ KARIMAN UPADHYAY S/O
OMPRAKASH UPADHYA Resident of village- Guthani, P.S.- Guthani,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50918 of 2022)

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

For the Informant : Mr. Ganesh Prasad Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 51540 of 2022)

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha , APP

For the informant : Mr. Ganesh Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-01-2023 Heard Mr. Ranjan Kumar Dubey, learned counsel for

the petitioners, Mr. Nirmal Kumar Sinha, learned counsel for the

State and Mr. Ganesh Prasad Singh for the Informant.

The petitioners apprehend their arrest in connection

with Guthani P.S. Case No. 37 of 2022 for the offence registered

under Sections 147, 148, 149, 447, 448, 379, 354, 341, 323, 504



and 506 of the Indian Penal Code.

As per the prosecution story, the informant alleged that the accused persons barged into her house when the family member were out to attend the ceremony and took away the cows, calves, jewellery, gas as also refrigerator, cooler, washing machine etc. Further allegation of outraging the modesty of both the informant and her daughter have been attributed to some accused persons. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that if the FIR is read in its entirety, it would show how each and every family member has been assigned the role and it is impossible for any normal person to barge in a house and take away the refrigerator, the washing machine, the cooler, the gas stove etc. and in that backdrop, the allegation if not false, is improbable. The further submission is that the said case is counter blast to the Guthani P.S. Case No. 36 of 2022 lodged on 12.02.2022 by the petitioner's side alleging assault on the part of the informant. His further submission is that for the occurrence of 11.02.2022 while the petitioner's side lodged FIR on 12.02.2022. As a counter blast, the present FIR being Guthani P.S. Case No. 37 of 2022 was lodged. The last submission is that none of them have criminal antecedents.



Learned APP for the State, on the other hand, opposes the prayer for bail and submits that there is allegation of snatching of the gold items, house hold materials as alsooutraging of the modesty of the women.

Taking into account the fact that it is a matter of case and counter case, a dozen of people have been made accused attributing accusation to them, none of the petitioners in both the petitions have criminal antecedent, they will be cooperating in the investigation and will ultimately have to face the trial, this Court is inclined to grant them relief.

Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Guthani P.S. Case No. 37 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha-

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