

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52304 of 2023

Arising Out of PS. Case No.-170 Year-2021 Thana- PARASBIGHA District- Jehanabad

1. Vinod Kumar @ Ram Vinod Kumar, Son of Baijnath Sharma, Resident of Village- Shahpur, P.S.- Parasbigha, District- Jehanabad
2. Abhishek Kumar, Son of Vinod Kumar @ Ram Vinod Kumar, Resident of Village- Shahpur, P.S.- Parasbigha, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogendra Kumar Singh, Advocate Mrs. Nitu Kumari, Advocate
For the Opposite Party/s	:	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2023 Heard Mr. Yogendra Kumar Singh, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Parasbigha P.S. Case No. 170 of 2021 registered for the offences punishable under Sections 341, 323, 448, 504, 506, 354/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly while the informant was present in her house, in the meantime, the petitioners along with other co-accused persons barged into her house and petitioner no.1 started behaving indecently with her. It is further alleged that petitioner no.2 opened fire from his pistol. Other allegation has



also been levelled against the other co-accused persons.

4. Learned counsel appearing on behalf of the petitioners submits that both the petitioners are father and son and so far the allegation of outraging the modesty of the informant is concerned, in absence of any material the police has not instituted the F.I.R. under Section 354 of the Indian Penal Code. He next submits that the present F.I.R. has been instituted on the premise of election dispute, wherein on account of some differences, a free fight took place between the persons of both sides. He also submits that the police after investigation submitted charge-sheet only for the offences under Sections 323, 341, 504/34 of the Indian Penal Code against the petitioners, however, the learned jurisdictional court differing with the charge-sheet took cognizance against the petitioners under the alleged offences levelled in the F.I.R. He further drew the attention of this Court to the injury report and with reference thereto he submits that the injury sustained over the body of the injured Binda Devi is found to be simple in nature. That apart, the co-accused persons, against whom identical allegation has been levelled, have been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 21866 of 2023 vide order dated 05.07.2023. The petitioners



have got clean antecedent.

5. On the other hand, learned APP for the State opposes the bail application and submits that specific allegation has been levelled against the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of injuries and the fact that the police has submitted charge-sheet only under bailable offences, coupled with the fair antecedents, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jehanabad in connection with Parasbigha P.S. Case No. 170 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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