

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54292 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- NAGAR District- Vaishali

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1. Sunny Kumar @Summy Kumar, Son of Dinesh Singh, Resident Of Village- Hathsarganj Ps.- Hajipur Town Dist. -Vaishali
 2. Rajiv Kumar, Son of Dinesh Singh, Resident Of Village- Hathsarganj Ps.- Hajipur Town Dist. -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priyesh Kumar, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP
For the Informant	:	Mr. Ashutosh Kumar, Advocate
		Mr. Sumit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Hajipur Town P.S. Case No. 119 of 2023, registered for the alleged offences under Sections 341, 323, 324, 308, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioners along with co-accused persons, entered into the house of the informant and the petitioners bit on the thigh of the informant with bad intention and they also assaulted her with bricks and sticks causing injuries to her. The co-accused also took away *mangalsutra* and other gold ornaments worth Rs. 2,25,000/-.

4. Learned counsel for the petitioners submits that the



petitioners are the brothers-in-law of the informant and they are innocent and have been falsely implicated in this case. There is some land dispute between the parties and for this reason false cases have been lodged against the petitioners. Earlier petitioner no.2 was falsely implicated by the informant in Hajipur Town P.S. Case No. 774 of 2022 and after investigation police submitted final form. The present case is counter blast of Hajipur Town P.S. Case No. 120 of 2023 registered under Sections 341, 323, 325, 354 and 379/34 of I.P.C., lodged by the wife of petitioner no.1 against the informant and others. The petitioners are the own brothers of the husband of the informant and due to dispute over property, this false case has been lodged. Learned counsel further submits that petitioner no.2 is also accused in Hajipur Town P.S. Case No. 476 of 2022 registered under Section 302/34 of I.P.C. and he is on anticipatory bail in that case. Even the said case has been lodged by the brother-in-law of the husband of the informant.

5. Learned APP as well as learned counsel for the informant vehemently oppose the prayer for anticipatory bail made on behalf of the petitioners. Learned counsel for the informant submits that the petitioners entered into the house of the informant and badly assaulted her and they tried to outrage her modesty and made a sexual assault on her.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the relationship between the parties and also considering the case and counter case between the parties and probability of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court in connection with Hajipur Town P.S. Case No. 119 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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