

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61886 of 2023

Arising Out of PS. Case No.-39 Year-2021 Thana- RIVILGANJ District- Saran

VISHAL KUMAR SINGH @ VISHAL KUMAR SON OF SUNIL KUMAR
SINGH RESIDENT OF VILLAGE- MOHABBAT PARSA, PS- RIVILGANJ
DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-10-2023 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Rivilganj Police Station Case No. 39 of 2021,
disclosing offences under Sections 341, 323, 307, 354, 452, 504
and 506 of the Indian Penal Code.

3. The allegation against the petitioner, as per the First
Information Report lodged on 22.01.2021, on 21.01.2021, at
about 6:15 pm in the evening, while the informant was sitting
alone at her home, the petitioner arrived there, pressed the neck
of the informant with an intention to kill her and assaulted her
with iron rod, he also tore the cloths of the informant in order to
outrage her modesty. When the husband of the informant



intervened in order to save her, the petitioner threw him on the ground and assaulted him also.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to previous enmity for the informant is own aunt of the petitioner and her husband is uncle of the petitioner. Prior to lodging of the present F.I.R. for an occurrence which allegedly held on 21.01.2021, an F.I.R., bearing Rivilganj P.S. Case No. 36 of 2021 has been lodged by the petitioner on 20.01.2021 against the informant and her husband regarding illegal sale of family property by them. On 23.12.2019, an F.I.R., bearing Rivilganj P.S. Case No. 392 of 2019, was lodged by the mother of the petitioner against the informant and her husband under Sections 341, 323, 379, 34 of the Indian Penal Code. A partition suit has also been filed by the father of the petitioner on 19.01.2021 bearing Partition Suit No. 34 of 2021 in which the husband of the informant along with others are defendants. The injury caused to the informant and her husband has not been brought by the prosecution.

5. Learned Additional Public Prosecutor opposes the prayer for anticipatory bail to the petitioner.

6. Having regard to the submissions made on behalf



of the parties and taking into consideration the fact that both the parties are closely related, there is previous dispute between them and the partition suit has also been filed by the father of the petitioner in which the informant's husband is a defendant, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, Vishal Kumar Singh @ Vishal Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Smt. Shikha Pandey, Judicial Magistrate, Saran, in connection with Rivilganj Police Station Case No. 39 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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