

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66319 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- GORIAKOTHI District- Siwan

1. Rajesh Singh @ Rajesh Kumar Singh, son of Kanhaiya Singh, Village- Chitouli Kala Ps- Goreya Kothi Dist- Siwan
2. Amresh Singh @ Amlesh Kumar Singh, son of Kanhaiya Singh, Village- Chitouli Kala Ps- Goreya Kothi Dist- Siwan
3. Kundan Yadav, son of Late Chandradeo Yadav, Village- Chitouli Kala Ps- Goreya Kothi Dist- Siwan
4. Rajan Kumar son of Lalan Yadav Village- Chitouli Kala Ps- Goreya Kothi Dist- Siwan
5. Aman Kumar @ Aman Kumar Singh son of Rameshwar Singh Village- Chitouli Kala Ps- Goreya Kothi Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Goraiyakothi P.S. Case No. 107 of 2023, registered for the offences under Sections 341, 323, 325, 354, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the informant in the background of some land dispute and also tried to outrage the modesty of her



daughters.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The present case is counter blast of Goraiyakothi P.S. Case No. 108 of 2023 registered under Sections 341, 323 and other allied sections of IPC by petitioner no.3, Kundan Yadav against the informant and her two daughters and four others including the husband of the informant in which petitioner no.3 and his mother was assaulted and the husband of the informant of this case set the house of the petitioner on fire. Petitioner nos. 3 and 4 are close agnates and neighbour of the informant and their houses are adjacent to each other and there is land dispute between the parties. The informant side was aggressor and when the petitioner no.3 was making passage at his doors then the informant side, which was variously armed, assaulted the petitioner no.3 and his mother and thereafter some fighting took place between both the sides. During investigation of the witnesses, except the informant, all other witness have admitted this fact and have not supported the prosecution case. Even the daughters and the husband of the informant have not come forward to record their statement during investigation. The daughters of the informant were



examined and there are injuries were found to be simple and grievous in nature, respectively. The allegation of outraging the modesty and attempt of rape upon the daughters of the informant is false and concocted. The other allegations are levelled only to make the case serious. Petitioner nos. 1, 2 and 5 are having clean antecedent and petitioner nos. 3 and 4 are accused in one another case i.e., Siwan Mahila P.S. Case No. 21 of 2023 registered under Sections 457, 380 and other allied sections of IPC. The said case was also lodged by Neha Kumari, daughter of the present informant.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and statement of witnesses regarding free fight between two groups coupled with possibility of false accusation, 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 Judicial



Magistrate-1st Class, Siwan/concerned court in connection with
Goraiya Kothi P.S. Case No. 107 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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