

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22546 of 2024

Arising Out of PS. Case No.-148 Year-2023 Thana- NAUTAN District- Siwan

1. Nagendra Gond @ Nagendra Kumar Gond, Gender-Male, aged about 35 years, S/o Late Jaggu Gond, R/o Village - Khap Bankat Oale Chafwa, P.S. - Nautan, District – Siwan.
2. Surendra Gond, Gender-Male, aged about 50 years, S/o Late Jaggu Gond, R/o Village - Khap Bankat Oale Chafwa, P.S. - Nautan, District – Siwan.
3. Upendra Gond, Gender-Male, aged about 36 years, S/o Late Jaggu Gond, R/o Village - Khap Bankat Oale Chafwa, P.S. - Nautan, District – Siwan.
4. Rambahadur Gond, Gender-Male, aged about 55 years, S/o Late Jaggu Gond, R/o Village - Khap Bankat Oale Chafwa, P.S. - Nautan, District – Siwan.
5. Rahul Gond @ Rahul Kumar, Gender-Male, aged about 22 years, S/o Rambahadur Gond, R/o Village - Khap Bankat Oale Chafwa, P.S. - Nautan, District – Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Javed Aslam, Advocate
For the Opposite Party : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Nautan P.S. Case No. 148 of 2023 dated 03.08.2023 registered for the offences punishable under Sections 147, 323, 379, 354B, 457, 376/511 and 504/34 of the I.P.C.

3. As per the prosecution case, the informant's



husband used to live outside for his livelihood and the informant alongwith her children is living in her house alone. The villagers elected her as a Ward Member after defeating the petitioner no. 1 due to that reason the petitioner nos. 1 to 4 who are full brothers were winning election for the last two years and they became very aggressive. On 30.05.2023, she alongwith her children was sleeping in her hut due to hit wave, in the meantime, the petitioner nos. 1 and 2 in drunken state entered her house unauthorizedly for taking revenge in defeating election and with an intention to misbehave and the petitioner no. 1 after removing her undergarments started teasing with her private part. When she raised hulla, the petitioner no. 2 pointed pistol on the neck of her younger son and threatened to kill him. Thereafter, she has narrated the entire story to her villagers and when she alongwith her villagers went to the house of the accused persons, they started abusing her. On protest, the petitioner no. 3 started pulling in his side after catching her arm with bad intention and the petitioner no. 4 thrashed her on the ground after tearing her clothes in half naked condition. When she fled away in her house, the accused persons also reached there and after entering the house, the co-accused Sahabu Baitha took Rs. 1,00,000/- from her box and the petitioner no. 4 took



Rs. 15,000/- and also committed theft a bag containing brass utensils worth Rs. 25,000/- and other accused persons damaged her household articles worth Rs. 50,000/- and also gave threatening.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that dispute and political rivalry is going on between the parties. It is further submitted that the occurrence took place on 30.05.2023 and the complaint has been filed on 17.07.2023 which came to be registered as F.I.R. on 30.08.2023 for which no explanation has been given by the prosecution. It is submitted that on 13.06.2021, Vijay Pratap Singh, Bittu Kumar Singh alongwith three other persons abused and assaulted the petitioner no. 1 and his family members for which Nautan P.S. Case No. 57 of 2023 was registered under Section 147 and other allied sections of the I.P.C. and under Sections 3(1)(r)(s), 3(2) of the SC/ST Act against them and the aforesaid persons in collusion with the informant, the present false case has been filed by her. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer



for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Siwan in connection with Nautan P.S. Case No. 148 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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