

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55185 of 2024**

Arising Out of PS. Case No.-282 Year-2023 Thana- RASULPUR District- Saran

Arvind Upadhyay S/O Late Shankar Upadhyay R/O Village- Rasulpur, P. S-  
Rasulpur, Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**

ORAL ORDER

2      31-08-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. At the outset, learned counsel for the petitioner seeks permission to correct the petitioner's district in the party position as well satisfaction of the Court in the prayer portion of the bail petition in course of the day. Permission is accorded.

3. The petitioner apprehends arrest in connection with Rasulpur PS Case No. 282 of 2023 dated 10-12-2023 instituted for the offence punishable under Sections 341,323,379,354B,504, 506 and 34 of the Indian Penal Code .

4. The prosecution case in short is that on 09/12/2023 four unknown persons in drunken condition came to the house of the informant and began to broke her boundary. On protest, they abused her but, later on they calmed down. Thereafter,



again on 10/12/2023, all of a sudden, accused persons entered into the house of informant and it is alleged that petitioner tried to outrage the modesty of informant's daughter and torn her cloth, catching hold of her in the way. She is pregnant of three month and sustained severe injuries on her stomach due to assault. Petitioner also assaulted Puja and Madhu Kumari and snatched gold chain of Kusum Kumari and Puja Kumari.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the informant is the cousin grandmother of the petitioner. It is submitted that earlier husband of the informant sold the ancestral property of the petitioner without any partition, against which the petitioner filed Partition Suit No. 382 of 2022 for partition of the family property in which the informant and his daughter have been made as party defendants. It is also submitted that the informant also lodged FIR bearing Rasulpur PS Case No. 229 of 2022 under Sections 341, 323, 504, 379 and 34 of the IPC against the petitioner, which is carbon copy of the present case. The two other cases also filed by the same informant against the petitioner and his family members. It is submitted that petitioner's side also filed four cases against the informant's side



and his family members. There is a dispute between the parties with regard to land. Lastly, it has been submitted that petitioner has three criminal cases pending against him, which have been filed by the informant of the present case.

6. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Rasulpur PS Case No. 282 of 2023 petitioner shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Saran at Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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