

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64158 of 2024

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

Shahabu Baitha @ Ezaz Ahmad, Gender-Male, aged about 22 years, S/O Ish Mohammad Miya @ Guddu Baitha, R/O Village- Khap Bankat Tola, Chafwa, P.S.- Nautan, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Javed Aslam, Advocate

For the Opposite Party : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his 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 co-accused Nagendra Gond @ Nagendra Kumar Gond due to that reason the co-accused Nagendra Gond, Surendra Gond, Upendra Gond



and Rambahadur Gond 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 heat wave, in the meantime, the co-accused Nagendra Gond and Surendra Gond in drunken state entered her house unauthorizedly for taking revenge in defeating election and with an intention to misbehave and the co-accused Nagendra Gond after removing her undergarments started teasing with her private part. When she raised hulla, the co-accused Surendra Gond 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 co-accused Upendra Gond started pulling in his side after catching her arm with bad intention and the co-accused Rambahadur Gond 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, Shahabu Baitha @ Ezaz Ahmad took Rs. 1,00,000/- from her box and the co-accused Rambahadur Gond 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 petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. 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 co-accused Nagendra Singh 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 complainant, the present false case has been lodged by her. There is no specific allegation of misbehaving with the complainant and her minor children against the petitioner rather the same is against the co-accused Nagendra Gond and other co-accused persons. There is general and omnibus allegation against the petitioner. The allegation against the petitioner is of taking Rs. 1,00,000/- is superficial in nature. It is further submitted that the other co-accused persons



Nagendra Gond @ Nagendra Kumar Gond, Surendra Gond, Upendra Gond, Rambahadur Gond and Rahul Gond @ Rahul Kumar have already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 22546 of 2024, annexed as Annexure-2 to the present bail petition. The petitioner has 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned C.J.M., 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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