

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63906 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- ATRI District- Gaya

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1. Balanand Singh @ Valanand Kumar Son of Late Khelawan Singh
 2. Gagan Singh Son of Raman Singh
 3. Harendra Singh Son of Late Chanesar Singh
 4. Sukhdev Singh @ Satyendra Singh Son of Chandradev Singh
 5. Dipesh Kumar @ Dipesh Raj Son of Balanand Singh @ Valanand Kumar Singh

All Resident of Village- Shira Belaru, PS- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 03-10-2024 The learned counsel for the petitioners after arguing vehemently for sometimes realizing his difficulty seeks permission to withdraw the anticipatory bail application with respect to petitioner no.1, Balanand Singh @ Valanand Kumar.

2. Permission is accorded.

3. Accordingly, the anticipatory bail application is dismissed as withdrawn as against petitioner no.1.

4. Heard learned counsel for the petitioners as well as



learned APP for the State.

5. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 354, 308, 504, 506/34 of the Indian Penal Code in connection with Atri P.S. Case No.166 of 2024.

6. The learned counsel for the petitioners submit that petitioner no.2, 4 and 5 are persons with clean antecedent and petitioner no.3 has antecedent of one case and the informant alleges that Balanand uploaded an inappropriate photo of the complainant on facebook along with a song, thereafter, all the named accused persons including the petitioners came to her house and Balanand dashed her on the ground and tried to commit rape and torn her blouse and sari, thereafter, Gagan assaulted by lathi, causing injury on left hand and even scratched her near her chest, further Gagan assaulted her husband Pintu causing fracture of left hand, thereafter, Kapil assaulted her son Rocky by Garasa, causing injury on head, thereafter, it is alleged that Harendra assaulted her other son Jacky by lathi, causing cut injury on right hand and also assaulted her father-in-law and brother-in-law and also her nephew.

7. The learned counsel for the petitioners submit



petitioners have been falsely implicated in the instant case by the informant, it is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that thrust of the allegation is against Balanand. It is next submitted that even presuming what has been alleged is true without admitting then from perusal of Annexure-3 Series to the anticipatory bail application, it would manifest that the injuries suffered by the injured is simple in nature which amply demonstrates that petitioners never had any intention of committing a serious occurrence. It is also submitted that all the family members have been implicated with some allegation by the informant which also creates a doubt with regard to the nature of occurrence as alleged.

8. The learned APP opposes the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Gaya in connection with Atri P.S. Case No.166 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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