

In the Court of Sessions Judge, Gopalganj.

A.B.P. No.1986/2020

1) Santosh Singh and 2) Asarafi Singh.....Petitioners.

v e r s u s

The State of Bihar.....Opposite Party.

For the Petitioners :- Sri Manoj Kumar Singh, Advocate.

For the O.P.(State) :- Sri Deo Vansh Giri, P.P.

O r d e r

23-12-2020

Anticipatory bail petition filed on behalf of petitioners 1) Santosh Singh and 2) Asarafi Singh, who are apprehending their arrest in connection with Baikunthpur P.S. Case No.366/20 registered U/Ss. 341, 323, 504, 506, 354B, 379/34 of the I.P.C., is put up for hearing.

Heard the ld. counsel for the petitioners and the ld. P.P. for the State and perused the L.C. Record and the case-diary. Also heard the ld. Counsel for the informant.

Ld. Counsel for the petitioners submitted that petitioners are quite innocent and have been falsely implicated in this case due to land-dispute between the parties. It is further submitted that informant and petitioners are Khas Pattidars. All the alleged Sections are bailable except Sec. 354B and 379 I.P.C. and the allegation of outraging modesty is ornamental and allegation of committing theft is super-addition. Hence, the petitioners prayed for anticipatory bail.

Ld. P.P. assisted by the ld. Counsel for the informant vehemently opposed the bail of petitioners.

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The prosecution case, in brief, is that on the alleged date and time of occurrence, the daughter-in-law of informant Most. Sharda Kunwar, namely, Nitu Devi was cooking in her Aangan. In the meantime, petitioner Santosh Singh armed with knife came to her daughter-in-law started molesting her and also pulled her Sari as a result thereof, she became half-naked and when the informant made protest of it, Santosh Singh went outside and again came after five minutes with petitioner Asarfi Singh armed with Lathi and started assaulting her and her daughter-in-law with Lathi and Santosh Singh snatched gold chain of her daughter-in-law weighing 2-Bhar. At that time, no male member was in her house. Having heard cry, one Binod Singh came to them and informed her son Milan Singh by phone and thereafter, her son came and brought them to local P.S. Hence, the F.I.R.

Perused the L.C. Record and the case-diary. According to the F.I.R., the allegation against the petitioner Santosh Singh is that he molested the daughter-in-law of informant, namely, Nitu Devi on the point of knife and also pulled her Sari and assaulted the informant and her daughter-in-law with Lathi and snatched gold chain of Nitu Devi. On perusal of the case-diary, it transpires that informant in her restatement in para-2 and witnesses in para-6 and 7 of the case-diary have stated in support of the prosecution case against petitioner Santosh Singh.

In view of aforesaid facts and circumstances of the case and submissions of the Id. Counsel for the parties, I do not find it a fit

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case for grant of anticipatory bail to the extent of petitioner no.1 Santosh Singh and so, he is ordered to surrender before the ld. court-below after taking all the preventive measures of Covid-19 and seek regular bail and the ld. Court-below shall dispose of the regular bail of petitioner on its own merit, without being prejudiced by this order. Accordingly, the prayer for anticipatory bail of the petitioner no.1, Santosh Singh stands disposed of.

So far as the petitioner no.2, Asarafi Sah is concerned, there is no specific allegation of assault against him and para-7 of the case-diary goes to show that witness in regard to petitioner Asarafi Sah has stated that he is an old person of 80-years and he was not involved in the occurrence and in this view of the matter, the prayer for anticipatory bail of the petitioner no.2, Asarafi Sah is allowed. It is, accordingly, ordered that in the event of arrest or surrender, the above named petitioner shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the ld. court below subject to conditions as laid down U/S 438(2) Cr.P.C.

Petitioner will surrender before the ld. court-below taking all the preventive measures of Covid-19.

(Dictated)

Sessions Judge, Gopalganj.

