

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15429 of 2015



Arising Out of PS.Case No. -8 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

=====

1. Bholi Patel Son of Ramchandra Kurmi @ Ramchandra Patel Resident of
village- Bankatwa, P.S- Bagha, District - West Champaran.
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

=====

with

Criminal Miscellaneous No.16299 of 2015

Arising Out of PS.Case No. -8 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

=====

1. Vinay Patel son of Vijay Patel resident of village- Abirwaliya, P.s
Bagaha, District- West Champaran.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.15429 of 2015)

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

(In Cr.Misc. No.16299 of 2015)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha(App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-06-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Bagaha P.S. Case No. 08/2015 POCSO Case No. 3/15 for the offences punishable under sections 376, 511/34 of the Indian Penal Code.

The prosecution case, in brief, is that Khushbu Kumari aged about 13 years gave a written report before the S.H.O. Bagaha P.S. dated 10-1-15 mentioning therein that she is student of class 8th of Rajkiya Madhya Vidyalay, Bagaha. On 10-1-15 at about 2.00 P.M. she was going to her house on bicycle from her Ghotha situated at Bankatwa Sareh and about 500 yards ahead Vinay Patel and Bholi Paten(petitioner) forcibly stopped her bicycle and by catching her hand carried her in sugar cane field, where Vinay Patel tried to forcibly commit sexual assault/rape and the petitioner Bholi Patel outside of sugar cane field was keeping watch of persons. On her crying Dhruv Yadav her villager came then Vinay Patel(petitioner) having Bakua in his hand given blow upon him by which Dhruv Yadav sustained injury on his left hand finger, getting opportunity she run away from the field by crying. On hearing hulla her grand father Sanjay Yadav and another villagers came to whom she narrated story. Meanwhile both accused persons fled away. It is her claim that both accused persons tried to do forcibly sexual assault/rape and due to her cry, the neighbours came she was saved from her life and dignity.

It has been submitted on behalf of the petitioners that the allegation made against the petitioners is that they attempted to commit rape upon the informant. Further it has been submitted that-vide Annexure-2 , the matter has been compromised between the parties.

It has been further submitted that the petitioners have no criminal antecedent. The petitioner in Cr.Misc.No. 15429/15 is in custody since 12-1-2015, and the petitioner in Cr.Misc.No. 16299 of 2015 is in custody since 22-1-2015.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case, let the petitioners, namely, Bholi Patel and Vinay Patel, be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, POCSO-cum-1st Additional Sessions Judge, Bagaha, West Champaran, in connection Tr.No.03/2015 arising out of Bagaha P.S.Case No. 08/2015/POCSO Case No. 03/2015.

(Sudhir Singh, J)

BK.Roy/-

U		T	
---	--	---	--