

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22186 of 2015

Arising out of PS.Case No. -249 Year- 2014 Thana -BETTIAH TOWN District- WEST
CHAMPARAN(BETTIAH)

1. Rajan Sah, S/o Late Bholi Sah, resident of Village - Purani Gudari, Turhatoli, Ward No. 10, P.S. Bettiah Town (Kalibagh O.P.), District - West Champaran.
2. Banti Kumar, S/o Late Bholi Sah, resident of Village - Purani Gudari, Turhatoli, Ward No. 10, P.S. Bettiah Town (Kalibagh O.P.), District - West Champaran.
3. Rahul Kumar @ Melu, S/o Late Bholi Sah, resident of Village - Purani Gudari, Turhatoli, Ward No. 10, P.S. Bettiah Town (Kalibagh O.P.), District - West Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.23024 of 2015

Arising out of PS.Case No. -249 Year- 2014 Thana -BETTIAH TOWN District- WEST
CHAMPARAN(BETTIAH)

LALLU SAH @ LALU SAH, Son of Sudarshan Sah @ Surdhan Sah, resident of village - Purani Gudari Turha Toli, Bettiah (Town) Kalibagh (O.P.), District - West Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

(In Cr.Misc. No.22186 of 2015)

For the Petitioners : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party : Mr. Dr. Ravindra Kumar (App)

(In Cr.Misc. No.23024 of 2015)

For the Petitioner : Mr. Sanjeev Kumar Shrivastava, Advocate.

For the Opposite Party : Mr. Gopesh Kumar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

(Kalibag O.P.) P.S. Case No. 249 of 2014 hence a common order is being passed in both the cases.

The petitioners are languishing in custody since 23.03.2015 and 31.03.2015 respectively in connection with Bettiah Town (Kalibag O.P.)P.S. Case No. 249 of 2014 for the offences instituted under Sections 147, 148, 149, 323, 324, 341, 448, 380, 307, 427, 354(B), 504, 506, 376/511 of the I.P.C. and 8 of the Protection of Children from Sexual Offences Act.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that the informant was keeping articles in her Kirana Shop situated in front of her house and the informant's husband, Sanjay Singh was counting money. At that time Rajan Sah, Sri Ram Sah and Lallu Sah came at the shop of the informant. Rajan Sah caught hands of the informant's daughter, Kabita Kumari with bad intention who was standing in the lane of her house. The informant forbade him from doing so. Upon this co-accused, with an intention to kill the informant, started pressing her neck. Thereafter, the informant and her daughter went inside the room. The co-accused, Rajan Sah, Sri Ram Sah and Lallu Sah caught hands and legs of the informant and pushed her over a Palang and co-accused, Rajan Sah tried to



remove the sari of the informant. The informant raised alarm upon which her nephew, Santosh Singh came to rescue her. Co-accused, Rajan Sah assaulted Santosh Singh over his head with a bottle of Pepsi. Co-accused, Sri Ram Sah and Lallu Sah also assaulted Santosh Singh over his head with bottle of Pepsi as a result of which he sustained head injuries. Thereafter, Sri Ram Sah by his mobile called other co-accused persons, namely, Rahul Kumar @ Melu Kumar, Buntty Kumar, Chandan Kumar, Kundan Kumar and 5-7 unknown persons who assaulted the informant, her husband and Santosh Singh with lathi, dab, Fattah etc. Upon hulla the nearly people started coming there. Upon this co-accused Rajan Sah took away Rs. 17400/- from the box of the shop. The accused persons also committed tode- fore causing damage to the tune of Rs. 15-16000/-. The cause of occurrence is that the co-accused, Rahul Kumar @ Melu Kumar snatched dupatta of the informant's daughter while she was going to School about two months back.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and other co-accused have been granted bail vide Cr. Misc. No. 44854 of 2014.

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

Considering the aforesaid facts and circumstances, let

the petitioners above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum-Special Judge, West Champaran at Bettiah, in connection with Bettiah Town (Kalibag O.P.) P.S. Case No. 249 of 2014.

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(Sudhir Singh, J)