

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16211 of 2015

Arising Out of PS.Case No. -686 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Awadhesh Kumar, Son of Brahamdeo Sah
 2. Gulgul Sah @ Raj Kumar son of Brahamdeo Sah
 3. Moti Sah son of Rajal Sah
 4. Ashok Sah son of Rajal Sah
 5. Geeta Devi wife of Brahamdeo Sah
 6. Sunita Kumari @ Sunita Devi Daughter of Brahamdeo Sah
 7. Punita Devi Daughter of Brahamdeo Sah
 8. Dulari Devi Wife of Moti Sah All residents of village- Singhiya Sagar,
P.S.- Banjaria, District- East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Md. Anis Akhtar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-05-2015 Heard both sides.

The petitioners apprehend their arrest in Turkauliya (Banjaria) P.S. Case No. 686 of 2014, registered for the offences punishable under Sections 376, 511 and other Sections of the Indian Penal Code.

The informant Gogi Kumari alleged that when she went for fodder, Awadhesh Kumar petitioner no. 1 put her down and made an attempt to commit rape with her. The informant informed about the occurrence and on such when the informant and her family members went to complain other accused persons

assaulted the informant and her family members.

Submission is that on the same day the informant and other family members brutally assaulted Awadhesh Kumar and others for which Turkauliya (Banjaria) P.S. Case No. 739 of 2014 registered under Section 324 and other Sections of the Indian Penal Code. There is no allegation of outraging modesty against petitioner nos. 2 to 8.

There appears that Awadhesh Kumar petitioner no. 1 is alleged to have made an attempt to outrage the modesty of the informant, thereafter the occurrence took place when petitioner nos. 2 to 8 and petitioner no. 1 are alleged to have assaulted the informant and others.

Considering the facts aforesaid, petitioner nos. 2 to 8 namely Gulgul Sah @ Raj Kumar, Moti Sah, Ashok Sah, Geeta Devi, Sunita Kumari @ Sunita Devi, Punita Devi and Dulari Devi, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 the learned Chief Judicial Magistrate, Motihari, East Champaran in Turkauliya (Banjaria) P.S. Case No. 686 of 2014, subject to the

conditions as laid down under Section 438(2) of the Cr.P.C.

So far as case of petitioner no. 1 Awadhesh Kumar is concerned, there is specific allegation against him that he made an attempt to outrage the modesty of the victim, I am not inclined to enlarge the petitioner no. 1 Awadhesh Kumar on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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