

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30378 of 2014

Arising Out of PS.Case No. -64 Year- 2013 Thana -MAHILA PS District- DARBHANGA

- =====
1. Dharmendra Jha, Son of Mahakant Jha
 2. Raja Ram Jha, Son of Mahakant Jha
 3. Mahakant Jha, Son of Late Deocharan Jha
- All are residents of village-Mahuar, P.S. Ghanshyampur, District-Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Maruth Nath Roy, Adv.

For the Opposite Party/s : Mr. Ramshankar Das, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-01-2015

Heard learned counsel for the petitioners and

learned counsel representing the State.

The petitioners, apprehending their arrest in connection with Mahila Thana (Biraul) P.S. Case No. 64 of 2013 registered for the offences punishable under Sections 323, 337, 341, 376, 511/34 of the Indian Penal Code, seek the privilege of pre-arrest bail.

Allegedly, when the informant went to attend the call of nature, the petitioners Dharmendar Jha and Raja Ram Jha caught her hand and dragged her towards orchard with intention to commit rape but she raised alarm and fled away from there and came to her house and when grand-mother of the victim asked the accused persons about the incident upon which the petitioners assaulted her by means of bricks, stones and dandas resulting the grand-mother of the victim sustained injuries. The petitioner,

Mahakant Jha also abused the family members of the informant by saying the word “Mushar” and asked the two petitioners to assault the family members of the informant.

Submission is that the police after completion of investigation did not find the allegation under Section 376/511 true and offence under Section 3(i) (x) S.C./S.T. Act is not made out against the petitioners.

On the other hand, the Incharge learned A.P.P. opposes the prayer of pre-arrest bail.

Considering the allegation attributed against the petitioners, this Court is not persuaded to grant the privilege of pre-arrest bail to them and accordingly, such prayer stands rejected. However, in case and if so advised, the petitioners surrender and seek bail then their prayer for regular bail shall be considered on its own merit preferably on the same day without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

Vats/-

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