

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26555 of 2015

Arising out of PS.Case No. -122 Year- 2015 Thana -FATEHPUR District- GAYA

1. Sujit Kumar @ Sujit Kumar Saw.
2. Sunil Kumar @ Sunil Kumar Saw. Both s/o Nandkishore Sao, resident of village- Salaia Kala, P.S.- Fateh Pur, District- Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Vinod Kumar, Advocate.

For the Opposite Party : Mr. Dr. M.K. Gautam (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-09-2015 Heard learned counsel for the petitioners and learned counsel for the State

The petitioners are apprehending their arrest in connection with Fatehpur P.S. Case No. 122 of 2015 for the offences instituted under Sections 341, 323, 376/511 and 504/34 of the IPC.

The prosecution story, in brief, is that the petitioner no. 1 took the four years old daughter of the informant to his house and tried to outrage her modesty by his illegal activities due to which when the child outcried then the informant being the mother rushed there and found the baby in undressed condition and outcrying, whereas the petitioner told that he had kissed the baby due to which she was outcrying. It is further alleged that when the

informant tried to make complaint of such activities of the petitioner no. 1 then the petitioner no. 2 and others abused and assaulted not only her but to her husband.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that prior to institution of the present case, two cases are said to have been instituted by the petitioners' side where the family members of the informant have been made accused. The present case has been instituted only with an intention to compel the petitioners and their family members to compromise in the cases which have been instituted by the family members of the petitioners. It is further submitted that so far as the petitioner no. 2 is concerned, there is no specific role assigned against him. It is further submitted that the petitioners and the informant are own Gotias.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R. and specific allegation has been made against them.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Fatehpur P.S.Case No. 122/2015, pending in the court of the learned C.J.M., Gaya. Anyhow, if the

petitioners surrender in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order preferably on the same day.

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(Sudhir Singh, J)