

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30670 of 2015

Arising out of PS.Case No. -29 Year- 2014 Thana -SC/ST PS District- DARBHANGA

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1. Chunchun Kumar @Chunchun Kunwar, Son of Late Sambhunath Kumar.
 2. Nabin Kumar @ Nabin Kunwar, Son of Sambhunath Kumar.
 3. Gauri Shankar Kumar @ Gauri Shankar Kunwar, Son of Late Harishchandra Kumar.
 4. Rajan Kumar @ Parmanand @ Rajan Kunwar @ Parmanand Kunwar.
 5. Dina Nath Kumar @ Dina Nath Kunwar, Son of Late Bhola Kumar.
 6. Murari Kumar @ Murari Kunwar, Son of Amarnath Kumar.
 7. Ravishankar Kumar @ Ravishankar Kunwar, Son of Gauri Shankar Kumar.
 8. Aman Kumar @ Aman Kunwar, Son of Dinanath Kumar. All r/o village - Gangapatti, P.S. Bahadurpur, Distt. – Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dinesh Jha, Advocate.

For the Opposite Party : Mr. Ram Shankar Das(Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-07-2015 The petitioners are apprehending their arrest in connection with S.C. \$ S.T. (Darbhanga) P.S. Case No. 29 of 2014 for the offences instituted under Sections 147, 323, 341, 448, 379, 354(A) of the IPC and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

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

The prosecution story, in brief, is that on 21.05.2014, five petitioners were convicted in a case by the learned Special



Judge, Darbhanga, and in revenge on 28.05.2014 at 6.00 P.M. the accused/petitioners armed with rod and lalthi came at the house of the informant hurling filthy abuses. The petitioner Chunchan Kumar asked the informant about her husband upon which she protested then the petitioner Dina Nath Kumar abused the informant saying the word Chamainiya. It is further alleged that the accused/petitioners entered into her house, caught her hair and dragged out of the house and assaulted her with legs and fists. It is also alleged that petitioner Chunchun Kumar torn her blouse and Sari as a result of which she became naked. The accused/petitioners also spat on her mouth and also snatched silver Hansuli. The husband and son of the informant came there but they also abused and assaulted by the accused/petitioners.

It has been submitted on behalf of the petitioners that the alleged occurrence is said to have taken place on 28.05.2014 but in respect of the same, a complaint was filed on 07.06.2014 which came to be registered as police case on 13.06.2014 and for the same, no explanation relating to the delay has been made by the prosecution. From perusal of annexure-3, it appears that prior to filing of the present complaint, the informant had made an application before the S.P., with similar allegation and on an enquiry, the occurrence as alleged in the F.I.R., was found to be

false which is evident from annexures-3 and 3/1 to the present application. The provision of SC/ST Act is not attracted in the present case, as the occurrence is said to have taken place inside the house.

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

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with S.C & S.T. (Darbhanga) P.S. Case No. 29 of 2014 on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Darbhanga, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)