

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28483 of 2015

Arising Out of PS.Case No. -208 Year- 2014 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Brijesh Patel son of Nagina Patel
 2. Lalbabu Patel son of Nagina Patel
 3. Prakash Patel son of Nagina Patel
 4. Laldeo Patel son of Basdeo Patel
 5. Rajdev Patel son of Basdeo Patel
 6. Balister Patel son of late Ganga Patel @ Gopal Patel
 7. Deovnandan Patel @ Devanand Patel son of Chhotelal Patel
 8. Mukesh Patel son of Amerika Patel All are residents of village -
Bhitaha Mathiya, Police Station - Bairiya, District - West Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Brij Kishor Mishra
For the Opposite Party : Mr. Ram Shankar Das (Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-10-2015 Heard the counsel for the petitioners and counsel for the

State.

The petitioners are apprehending their arrest in a case
instituted under Sections 342, 354(B), 376(d)/34 of the Indian
Penal Code and Sections 4, 5, 8 of the Protection of Children
From Sexual Offences Act, 2012 and Section 3(1)(x) 2 (v) of the
SC and ST (Prevention of Atrocities) Act.

It is alleged by the informant that on 01.09.2014 when
the daughter of the informant had gone to attend the call of nature
in the orchard and committed rape upon her by the accused
persons.

It has been submitted on behalf of the petitioners that
petitioners have got no criminal antecedent. Chargesheet has been

submitted under Sections 147, 148, 349 and 504 Indian Penal Code and Sections 3(i) (x) of the SC and ST Act. Except for the provisions of the SC/ST Act all other Sections are bailable. The provision of SC/ST Act is not attracted in the present case as no offence is said to have been committed under the said provision of law. It is a case and counter case. The counter case is Anenxure-2 to the present application which was instituted earlier to the institution of the present case.

On behalf of the State, it has been submitted that the petitioners are named in the FIR.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released 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 learned Ist Additional Sessions Judge-cum-Special Judge, Bettiah, District-West Champaran in connection with Bairiya P.S.Case No.208 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sudhir Singh, J)

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