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1. Manj
2. Mani
3. Motil
4. Badal
5. Moha

Arising Out of PS.Case No. -22 Year- 2015 Thana -INARWA District-
WESTCHAMPARAN(BETTIAH)

..... Petitioners

The State of Bihar

.... Opposite Party

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

2 28-09-2015 Heard learned counsel for the petitioners,
learned counsel appearing on behalf of the informant and learned
Assistant Public Prosecutor for the State.

Learned counsel for the petitioners has submitted, referring to the first information report, that

implication of petitioner nos. 3, 4 and 5 who are father and uncles of the petitioner nos. 1 and 2, is highly improbable. He has submitted that till passing of the order by the learned Sessions Judge on Anticipatory Bail Application filed on behalf of the petitioners on 25.6.2015, statement of the victim girl was neither recorded by the police nor her statement was recorded under Section 164 Cr.P.C.

Learned counsel appearing on behalf of the informant has produced before me a certified copy of the statement of the victim girl recorded under Section 164 Cr.P.C.

Considering the contents of her statement under Section 164 Cr.P.C. which contains specific allegation of sexual assault against petitioner nos. 1 and 2, I am not inclined to grant them the privilege of anticipatory bail. Thus, the prayer for anticipatory bail so far as petitioner nos. 1 and 2 are concerned, is rejected. So far as petitioner nos. 3, 4 and 5, this application is allowed.

Let the petitioner nos. 3, 4 and 5, namely, Motilal Chatarjee, Badal Chatarjee and Mohan Chatarjee, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in Inarwa PS Case No. 22 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure

on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.



(Chakradhari Sharan Singh, J)

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