

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26282 of 2015

Arising Out of PS.Case No. -49 Year- 2015 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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1. Chhotu Kumar @ Chhautu Kumar Son of Dhobi Malakar
2. Sonu Kumar @ Sunil Kumar Son of Suresh Malakar
3. Akhlesh Malakar @ Akhilesh Malakar Son of Dhobi Malakar All are
resident of village - Punha, P.S. Rahui, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar

For the Opposite Party/s : Mr. Md.Iftekhar Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-07-2015 It is submitted by the learned counsel for the petitioners

that petitioner no.1(Chhotu Kumar @ Chhautu Kumar) has been

arrested during the pendency of this application and he wants to

withdraw the application on behalf of petitioner no.1.

The application is dismissed as withdrawn so far
petitioner no.1 is concerned.

Heard learned counsel for the petitioner nos. 2 and 3 and
the State.

The petitioner nos. 2 and 3 are apprehending their arrest
in a case instituted under Sections 456, 354(A), 323, 504, 506
and 34 of the Indian Penal Code and Section 12 of the Protection
of Children from Sexual Offences Act,2012.

The prosecution story, in brief, is that while the informant, Anjali Kumari, who reads in class V was alone as her mother had gone to Patna for treatment, in the night the petitioners entered into her house after scaling over the wall and gave offer of Rs. 500/- to the informant for doing as per their direction and on alarm raised by the informant the people assembled there and the petitioners fled away. It is also alleged that the petitioners used to tease her in the way when she used to go to her school.

It has been submitted on behalf of the petitioners that they have no criminal antecedent and it is a case and counter case. Counter case is Annexure 2 to the present application disclosing the similar allegation as made in Annexure 1 to the present application. It is further submitted that both the parties are close agnates and due to family dispute the present case has been instituted.

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 petitioner nos. 2 and 3 (Sonu Kumar @ Sunil Kumar and Akhlesh Malakar @ Akhilesh Malakar, 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 Additional Sessions Judge-cum- Special Judge, Nalanda at Biharsharif in connection with Nalanda Mahila P.S.Case No. 49 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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