

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.190 of 2015

Arising Out of PS.Case No. -53 Year- 2013 Thana -MAHILA P.S. District- SIWAN

1.Sunil Singh son of Birendra Singh
2. Rajesh Singh son of Birendra Singh
3.Mantu Singh son of Birendra Singh, all are resident of village
Junaidpur,P.S. Basantpur, Dist.Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Rana Randhir Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 07-01-2015 Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under sections 376,
511, 341, 323, 354 and 379 of the Indian Penal Code.

Accusation is that after making the victim naked, the
petitioners tried to establish physical relationship.

It is submitted by the learned counsel for the
petitioners that police has submitted charge sheet only under
section 376/511 but the C.J.M. has taken cognizance under
sections 341, 323, 504, 354/34 of the Indian Penal Code also.

In view of the ratio laid down in the case of
Mahendra Prasad Singh Vs The State of Bihar, reported in 2004(3)

PLJR,491, let the learned court below consider the prayer for regular bail of the petitioners, if petitioners surrender before the court below within a period of six weeks from today in connection with Siwan Mahila P.S. Case no. 53 of 2013, G.R. No. 3810 of 2013 pending in the court of C.J.M, Siwan.

It is made clear that in such case bail can be grated only on denial of the accusation and if the petitioners have not misused the privilege of police bail.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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