

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56524 of 2015

Arising Out of PS.Case No. -33 Year- 2005 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

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1. Jaipati Devi W/o Kishun Hazara.
2. Rooma Devi D/o Ram Ekbal Paswan.
3. Kamlesh Paswas@Kamresh Paswan S/o Awadh Paswan
All R/o Vill- Buduwaha, P.s Chhauradano Dist East Champaran.
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 18-12-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their
arrest in a case registered for the offences punishable under
Sections 366A/34 of the Indian Penal Code.

It is alleged that on 24.03.2005 at 7.00
P.M. minor daughter of the informant went to ease out in the
company of petitioner nos. 1 and 2 Jaipati Devi and Rooma
Kumari and thereafter she went missing.

In 164 Cr.P.C. statement the victim has
named Khalil Mian, petitioner no. 3 Kamlesh Paswan @
Kamresh Paswan, Wasir Alam, Suresh Kumar and Dinesh
Paswan where she has stated that she was taken by Wasir who

ravished her.

It is submitted by learned counsel for the petitioners that on conclusion of the investigation the petitioners were not sent up for trial but differing with the final form cognizance has been taken on 02.01.2012.

Considering the fact that the case was registered in 2005 and order of cognizance was passed on 02.01.2012, this Court is not inclined to grant anticipatory bail to the petitioners. But keeping in view of the fact that thrust of accusation is against Wasir and petitioners were not sent up for trial, it is a case for consideration of prayer for regular bail, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Chhauradano P.S. Case No. 33 of 2005 pending in the court of learned Judicial Magistrate, Ist Class, Raxaul at Motihari, East Champaran.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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