

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7333 of 2015

Arising Out of PS.Case No. -94 Year- 2014 Thana -LAUKARIA District-
WESTCHAMPARAN(BETTIAH)

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Manish Mishra @ Manish Chandra Mishra Son of Shri Anirudh Mishrs
Resident of Village - Sathi P.S. - Sathi, District - West Champaran at
present - Nepali Tola, P.S. - Ram Nagar, District - West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.7787 of 2015

Arising Out of PS.Case No. -94 Year- 2014 Thana -LAUKARIA District-
WESTCHAMPARAN(BETTIAH)

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Annpurna Mishra Wife of Late Narayan Mishrs Resident of Village - Ram
Nagar Nepali Tola, P.S. - Ram Nagar, District - West Champaran At present
- Kasturwa residential Girl School, Harnatarn, P.s. - Laukariya, District -
West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.7333 of 2015)

For the Petitioner : Mr. Chandra Mohan Jha, Advocate.

For the Opposite Party : Mr. Ram Shankar Das (Spl.Pp)

(In Cr.Misc. No.7787 of 2015)

For the Petitioner : Mr. Chandra Mohan Jha, Advocate.

For the Opposite Party : Mr. Sadanand Paswan(Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 27-04-2015 Heard both sides.

Since both the cases have arisen out of one occurrence,
they are being disposed of by this common order.

The petitioners seek bail in Tr. POSCO No. 4 of 2014,

arising out of Laukariya P.S. Case No. 94 of 2014, registered for the offences punishable under Sections 376, 511 and 120B of the Indian Penal Code and under Sections 3(i)(x)(xii) of the SC/ST Act and under Sections 3 and 4 of the I.T. Act, under Sections 6 and 8 of the POSCO ACT.

The victim made allegation that she was selected for Karate team. Manish Mishra @ Manish Chandra Mishra the petitioner brought her from motorcycle and forced her to sleep with him. The petitioner Manish Mishra @ Manish Chandra Mishra is alleged to have made an attempt to outrage her modesty.

Learned counsel for the petitioners submits that the occurrence took place on 01.09.2014, but the FIR was lodged on 06.09.2014. The doctor did not find any sign of rape. There is no allegation against the petitioner Annpurna Mishra except that she also telephoned the victim to sleep with Manish Mishra @ Manish Chandra Mishra. The petitioners are in jail since 10.09.2014.

Considering the facts aforesaid and the fact that there is very specific allegation against Manish Mishra @ Manish Chandra Mishra that he brought the victim and forced her to sleep with him and also made an attempt to outrage her modesty, I am not inclined to enlarge the petitioner Manish Mishra @ Manish Chandra Mishra (Cr. Misc. No. 7333 of 2015) on bail.

Accordingly, the same is rejected.

So far as case of petitioner Annpurna Mishra is concerned she is alleged to have telephoned the victim to sleep with Manish Mishra @ Manish Chandra Mishra and for that she is in jail for last seven months, she is a lady accordingly, Annpurna Mishra (Cr. Misc. No. 7787 of 2015) is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st –cum-Special Judge, POSCO, Bagaha, West Champaran in connection with Tr. POSCO No. 4 of 2014, arising out of Laukariya P.S. Case No. 94 of 2014.

The trial court is directed to expedite the trial and conclude the same within four months from the date of receipt/production of a copy of this order.

(Prabhat Kumar Jha, J.)

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