

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40581 of 2014

Arising Out of PS.Case No. -26 Year- 2014 Thana -RAGHOPUR District- VAISHALI (HAJIPUR)

- =====
1. Sam Rai, Son of Dwarika Rai.
 2. Maha Shankha Rai, Son of Sam Ram.
 3. Mahananda Rai, Son of Sam Rai.

All are resident of village- Rampur Shyam Chand, Bhagtan Tola, P.S.-
Raghopur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar,
Mr. Harendra Kumar Singh &
Mr. Ashok Kumar, Advocates.

For the State : Mr. Jitendra Kumar Roy-I, A.P.P.

For the Informant : Mr. Anurag Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 28-04-2015 Heard learned counsel for the petitioners,

learned A.P.P. for the State and learned counsel for the

informant.

The petitioners apprehend arrest in Raghopur
P.S. Case No. 26 of 2014 dated 22.03.2014 instituted under
Sections 448/323/354/379/504/34 of the Indian Penal Code.

The allegation against the petitioners that they
initially tried to forcibly keep a sack containing ‘Ganja’ in the
house of the informant which was objected due to which she
was assaulted.

Second supplementary affidavit has been filed

on behalf of the petitioners.

Learned counsel for the petitioners submits that after investigation the police has submitted chargesheet under Sections 448/341/323/354/504/34 of the Indian Penal Code and except for Section 354 all other areailable and even with regard to Section 354 of the Indian Penal Code, it is unbelievable that assault or use of criminal force to a woman with intend to outrage the modesty cannot be committed by the father and the son at the same time and that too with regard to the next door neighbour. Learned counsel further submits that there was a dispute raised by the informant and her agnates when the petitioner no. 1, who is the Chairman of the local college committee, was trying to construct a boundary wall and the issue was resolved in favour of the college which was not liked by the informant and her family members. It is further submitted that the petitioners have no criminal antecedent.

Learned A.P.P., upon going through the case diary and learned counsel for the informant oppose the prayer for anticipatory bail and submit that the petitioners had assaulted the informant.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon

furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in Raghopur P.S. Case No. 26 of 2014, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

P. Kumar

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