

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9988 of 2016

Arising Out of PS.Case No. -55 Year- 2015 Thana -HARIJAN THANA District- SAMASTIPUR

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1. Manoj Sah Son of Parmeshwar Sah
2. Binod Sah
3. Saroj Sah
4. Bablu Sah
5. Bipin Sah All are Sons of Parmeshwar Sah
6. Parmeshwar Sah Son of Late Dasai Sah All are residents of village -
Sehuli Tole Lakshampur, P.S. Khanpur, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 03-03-2016

Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, petitioners are seeking anticipatory bail
in connection with Harijan P.S. Case No. 55 of 2015 registered for
offences under sections 341, 323, 394, 504, 506/34 of the Indian
Penal Code and 3 (i) (x) of SC/ST Act.

As per the allegation, petitioners are running a shop
from where the informant purchased mustard oil. When she used
in the legs, she found foul smell and when she had gone to return
the same whereupon she was badly misbehaved and assaulted.

The counsel for the petitioners has drawn attention of

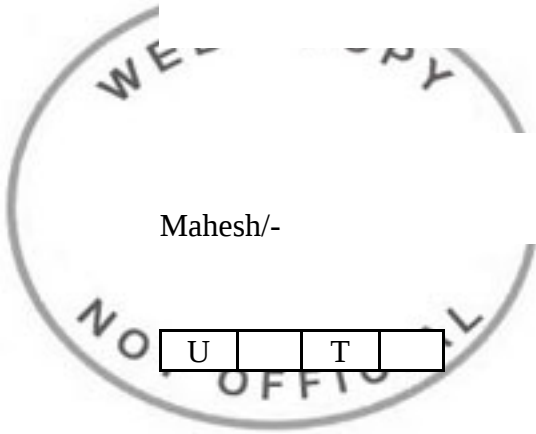
this Court about the date of occurrence has been shown as 22nd August 2015 but the first information report has been lodged on 2nd September 2015 i.e. after delay of nine days. The informant has not given any valid explanation of such delay in whole of the first information report and so much so that petitioners also lodged a case against four sons of the informant.

All the family members of the petitioners have been implicated in the present case. There is no explanation of delay in the first information report. Counter case has been filed by the petitioners against four sons of the informant.

Allegation of molestation has been made against the family members, even if a bad son will not go for molestation in presence of his father,

In such view of this matter, in the event of arrest or surrender within 4 weeks, petitioners, above named, are directed to be released on bail on their furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Samastipur in connection with Harijan P.S. Case No. 55 of 2015, subject to the condition as laid down under Section 438 (2) Cr. P.C. and whenever the Police will call the petitioners for investigation/interrogation, they will present themselves. If they would not present themselves, the

privilege of this anticipatory bail will be deemed to have been cancelled.



(Shivaji Pandey, J)

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