

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47073 of 2016

Arising Out of PS.Case No. -184 Year- 2016 Thana -GAYA COMPLAINT CASE District- GAYA
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1. Ravindra Saraogi @ Ravindra Kumar Sarawangi @ Ravindra Kumar Sarabangi.
2. Deepak Saraogi @ Deepak Kumar Sarawangi @ Deepak Kumar Sarabangi.

Both sons of Late Nand Gopal Saraogi, Resident of Mohalla- Tower Chowk (Sonarpatti), P.S.- Kotwali, District- Gaya.

.... Petitioners.

Versus

1. The State of Bihar.
2. Reena Kumari, W/o Late Amit Kumar, R/o Manpur Patwatoli, P.S.- Buniyadganj, District- Gaya.

.... Opposite Parties.
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Appearance :

For the Petitioners : M/s. Ramakant Sharma, Senior Advocate
and Shivendra Prasad, Advocate.

For the State :

For the Complainant/O.P. No.2 :
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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 19-12-2016 Heard learned senior counsel for the petitioners and the learned A.P.P. for the State as also learned counsel for the complainant/opposite party no.2.

The petitioners apprehend their arrest in connection with Complaint Case No.184 of 2016 registered under Sections 376 and 406 of the Indian Penal Code.

The accusation of the complainant/opposite party no.2, who is widow, is that anyhow, she used to manage to maintain herself and her children. On 20.12.2015, the accused no.1



Yogender Bind introduced the complainant himself as Mukhiya and asked the complainant/opposite party no2 that he would manage the job for her in a railway, firstly, in Class-IV and, after that, he will manage to promote her in Class-III, for which, Rs.1,00,000/- would be required. Since the complainant/opposite party no.2 was suffering from financial crises so she became ready and started to manage the amount. On 05.01.2016, the accused no.1 Yogender Bind alongwith the other accused including the petitioners came and got introduced them to the complainant/opposite party no.2 and asked to arrange Rs.50,000/- by tomorrow and to give her two photographs. Thereafter, on 07.01.2016, all the accused including the petitioners came at the house of the complainant/opposite party no.2 and took Rs.50,000/- and two photographs from the complainant/opposite party no.2 and asked her that joining letter would be provided to her within 20 days. When no letter was handed over to the complainant/opposite party no.2, she started to put pressure upon the accused then they assured her that the joining letter would be handed over to her within a very short period and she would be an employee of the railway. On 29.01.2016, the petitioner no.1 informed the complainant/opposite party no.2 to come on 01.02.2016 at 04.00 P.M. at his house and the joining letter would



be handed over to her and asked her to arrange the remaining amount. On 01.02.2016, when the complainant/opposite party no.2 at 04.00 P.M. went at the house of the petitioner no.1 with Rs.20,000/-, as she could not get arranged Rs.50,000, all the accused including the petitioners were present there. The complainant/opposite party no.2 asked them that she could get managed only Rs.20,000/- with a request that remaining amount would be managed later on. In the meantime, she was served with a biscuit and tea and on taking the same, she came in an intoxicated condition and, thereafter, all the accused including the petitioners took her ornaments forcibly worth Rs.80,000/-, also opened her cloths and committed rape on her. On the same day, she was left at a lonely place towards Manpur Bhusunda but the complainant/opposite party no.2, anyhow, reached her house and disclosed about the occurrence to the witnesses and others. On the next day, she went to the police station but police was not ready to lodge the F.I.R.

Learned counsel appearing on behalf of the petitioners submits that, in fact, that there is enmity with the petitioners and one Sunil Kumar due to land dispute and due to that reasons, there are several cases of civil and criminal nature, in between the petitioners and Sunil Kumar Sinha. In fact, Sunil Kumar got



managed the complainant/opposite party no.2 to implicate the petitioners in the present case with false allegation. Further submission is that while the complainant/opposite party no.2 has stated in the complaint petition that she had gone to the police station on the next day of the occurrence but the police refused to lodge the F.I.R. but the enquiry witness no.1 Nagendra Paswan and P.W.3 Vinod Paswan have clearly stated in their statements that when the complainant/opposite party no2 was asked to go to the police station to lodge the case, she refused to go to the police station.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, in connection with Complaint Case No.184 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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