

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39836 of 2016

Arising Out of PS.Case No. -57 Year- 2015 Thana -BHAIRABASHTHAN District- MADHUBANI

1. Amit Kumar Mukhiya @ Amit Mukhiya Son of Dular Chandra Mukhiya.

2. Dinesh Mukhiya Son of Shivjee Mukhiya

3. Lakshman Kumar Mukhiya @ Lakshman Mukhiya Son of Nathuni Mukhiya

All Resident of Vill- Raiyam, P.S. Bhairav Asthan, District Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-10-2016

Heard both sides.

The petitioners, namely, Amit Kumar Mukhiya @ Amit Mukhiya, Dinesh Mukhiya and Lakshman Kumar Mukhiya @ Lakshman Mukhiya apprehend their arrest in Bhairav Asthan P.S. Case No. 57/2015 registered under Section 354(A) and other sections of the Indian Penal Code.

The victim made statement in hospital that on 20.07.2015 she had gone to see Kamla Puja, the petitioners and others dragged her to a lonely place in order to outrage her modesty. The petitioners are alleged to have stripped her clothes and snatched ornaments but on alarm many persons ran towards her and thereafter the accused persons fled away.

Learned counsel for the petitioners submits that the case has been compromised. The victim made her subsequent statement but did not support her statement made in the F.I.R. The co-accused has already been granted regular bail.

Considering the facts that the victim herself made a very specific statement in the Fardbeyan that the petitioners dragged her to a lonely place and stripped her clothes in order to outrage her modesty, I am not inclined to enlarge the petitioners on anticipatory bail in Bhairav Asthan P.S. Case No. 57 of 2015 (G.R. No. 1238/2015). Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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