

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10318 of 2016

Arising Out of PS.Case No. -697 Year- 2015 Thana -KHAGARIA District- KHAGARIA

1. Gulshan Kumar

2. Phulchandra Kumar

Both are sons of Tejnarayan Prasad resident of Village- Kamalpur, P.S. & District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. Durgesh Nandan(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 03-03-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323 and 354B/34 of the Indian Penal Code.

The prosecution case is that the petitioners outraged the modesty of the daughter of the informant, Rozi Kumari while she was returning after attending the coaching classes.

It is submitted by learned counsel for the petitioners that even assuming the accusation no offence under

Section 354B IPC is made out as there is no accusation of assault or use of criminal force with intent to commit the offence. Although the case lodged by the petitioners' side is much subsequent to the case lodged by the informant.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

The aforesaid facts constitute ground for consideration of prayer for regular bail, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Khagaria P.S. Case No. 697 of 2015 pending in the court of learned Chief Judicial Magistrate, Khagaria.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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