

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19471 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Yugul Rai @ Yugal Kishore Rai, son of Parikshan Rai
 2. Pankaj Kumar @ Pankaj Rai,
 3. Pradeep Rai @ Pradeep Kumar,
- Both Sons of Yugul Rai @ Yugal Kishore Rai and All resident of village-
Chotki, Bhaluahia, Police Station- Shikarganj, District- - East Champaran at
Motihari.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Dr. Amrendra Kumar, Advocate
For the State : Mr. Sadanand Paswan, S.P.L. P. (S.C / S.T. Act)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 26-05-2016 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Chiraiya (Shikarganj) P.S. Case No.04 of 2016 registered for
offences punishable under Sections 341, 323, 354, 354A and
451/34 of the Indian Penal Code and Section 3(i)(x) of the
Scheduled Caste and Scheduled Tribes (Prevention of Atrocities)
Act.



It is contended on behalf of the petitioners that main allegation is against the co-accused Shankar Rai who had entered into the house of the informant and tried to take her out with ill-motive of outraging her modesty. Allegation against the petitioners is only to the extent that when it was resisted by her family members, petitioners came out and abused them. It is contended that so far the second part of allegation is concerned, since the occurrence is of about 10 p.m. in the night, the occurrence was not in public view as only the informant's side and petitioners' side were present, thus, the provisions of Section 3(i) (x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act are not attracted. It is further contended that allegations which have been made in the second part of the FIR are ornamental in nature made for the obvious purpose whereas main allegation which is in the first part of the first information report is against the co-accused person, Shankar Rai. It would appear from the order of the Sessions Judge that the informant had appeared before him and had submitted that matter had been compromised.

Having regards to the facts and circumstances of the case, in the event of arrest/surrender within a period of six weeks from today in Chiraiya (Shikarganj) P.S. Case No.04 of

2016, the above named petitioners, Yugul Rai @ Yugal Kishore Rai, Pankaj Kumar @ Pankaj Rai and Pradeep Rai @ Pradeep Kumar shall be released on bail on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Sikarhana at Dhaka, District, East Champaran at Motihari subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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