

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43988 of 2016

Arising Out of PS.Case No. -205 Year- 2014 Thana -MAHILA P.S. District- SIWAN

1. Vijay Sharma.
2. Ajay Sharma. Both sons of Chandrika Sharma.
3. Manoj Sharma, son of Baidyanath Sharma. All residents of Village -
Machhagra, P.S. - Bhagwanpur Hat, District - Siwan.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioners : Mr. Awadhesh Kumar Pandey, Advocate.

For the Opposite Party : Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 23-11-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in
connection with Siwan Mahila P.S. Case No. 205 of 2014 for the
offences instituted under Sections 147, 148, 149, 323, 506,
354(B), 376, 379 of the IPC and 6/8 of POCSO Act.

The prosecution story, in brief, is that on the alleged date
of occurrence, petitioner no. 1 entered into the house of the
informant with an intention to commit rape with her. On protest,
other accused persons came and assaulted and abused her family
members. Petitioner no. 1 also took the motorcycle of the

informant and they threatened the informant and her family members with dire-consequences if they institute any criminal case. It is further alleged that the accused persons are *Dabang* and they are of bad character and also associated with anti-social elements.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The charge sheet has been submitted under bailable offence. Subsequently, the court below differed with the charge sheet and has taken cognizance under non-bailable offence. The petitioners and the informant are agnates. Because of the property dispute, the present case has been instituted against the petitioners.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Siwan Mahila P.S. Case No. 205/2014 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I (Special Judge), Siwan, subject

to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

