

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10511 of 2016

Arising out of PS.Case No. -14 Year- 2015 Thana -NAWADA MUFFASIL District- NAWADA

1. Suresh Das @ Suresh Ravidas, son of late Bhunehwar Das.
2. Hiralal Das, Son of late Musahari Das. Both residents of Village-
Bhadokhara Tola, Bhelaipur, P.S. Muffasil, Dist Nawada.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

- For the Petitioners : Mr. Birendra Kumar, Advocate.
For the informant : Mrs. Uma Kumari, Advocate.
For the State : Mr. Manoj Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2016 Heard learned counsels for the petitioners, informant and
learned counsel for the State.

The petitioners are apprehending their arrest in
connection with Nawada Muffasil P.S. Case No. 14 of 2015 for
the offences instituted under Sections 376/511, 323 of the IPC and
27 of the Arms Act.

The prosecution story, in brief, is that on 22.12.2015 in
the night at 10.00 P.M. the informant was sleeping in a room and
her mother-in-law and *Nanad* were sleeping in another room. In
the meantime, the petitioners entered into the house of the
informant and on the point of pistol and dagger, threatened to keep
quite and Heera Lal attempted to commit rape with the informant.
On Hulla, her mother-in-law and *Nanad* arrived there then

petitioners fled away by pushing them as a result of which they sustained injury.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is a case and counter case between the parties. It is further submitted that there is contradiction in the statement of the witnesses which has come in course of investigation.

On behalf of the learned counsels for the State and the informant it has been submitted that the petitioners are named in the F.I.R. and the petitioners can not take benefit of Annexure-2 as the same has been instituted after institution of Annexure-1.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in Muffasil P.S. Case No. 14/2015, pending in the court of the learned C.J.M., Nawada. Anyhow, if the petitioners surrender in the court below within a period of six weeks the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)