

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3399 of 2016

Arising Out of PS.Case No. -195 Year- 2014 Thana -GARKHA District- SARAN

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1. Harihar Rai @ Harihar Kumar Rai son of Shiv Shankar Rai
 2. Agindo Rai @ Agnideo Rai son of Sudarshan Rai
 3. Triloki Rai @ Triloki Nath Rai son of Sudarshan Rai
 4. Loknath Rai son of Late Bandhu Rai
 5. Shiv Shankar Rai son of Late Ram Prasad Rai
 6. Amar @ Amar Nath Rai son of Late Ramayan Rai All are resident of Village- Mahmada Mangal Tole, Police Station- Garkha, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma
For the Opposite Party/s : Mr. R.N.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-01-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,354,379 and 506/34 of the Indian Penal Code.

The prosecution case is that while the informant was going with her mother in law and sister in law then petitioner no. 1 Harihar Rai caught hold the informant and pushed down on the ground, tore her clothes and made attempt to committed rape. The petitioner no. 2 Agindeo Rai and petitioner no. 3 Triloki Rai are alleged to have assisted petitioner no. 1. When mother in law and

sister in law came to rescue then they were also assaulted by the accused persons and their clothes were torn and gold chain worth rupees forty thousand was snatched.

It is submitted by the learned counsel for the petitioners that the petitioners are agnates of the informant and for the occurrence of 5.9.2014 the complaint was filed on 6.9.2014 which came to be registered as police case on 20.10.2014. On conclusion of investigation the police did not send the petitioners for trial but differing with the final form the learned CJM, Saran took cognizance under sections 341,323,354,379 and 506/34 of I.P.C. Statement to the aforesaid effect has been made in paragraph 6 of the petition. It is further submitted that the accused persons lodged Garkha P.S. Case No. 176 of 2014 against the informant hence in order to put pressure the present case was lodged though a counter case vide Garkha P.S. Case No. 168 of 2014 was also lodged by the informant side in which the petitioners have been discharged. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that initially the petitioners were not sent up for trial, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks

from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Saran at Chapra in connection with Garkha P.S. Case No.195 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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