

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8207 of 2016

Arising Out of PS.Case No. -140 Year- 2014 Thana -BENIPATTI District- MADHUBANI

- =====
1. Kaplu Roy, son of Kishori Roy
 2. Mahendra Roy, Son of Kari Roy.
 3. Dilchan Roy @ Dilchandra Roy, Son of Dular Roy.
 4. Nabal Roy, Son of Ramdeo Roy.
- All Residents of Village- Sirwara, Police Station- Benipatti, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. M.Haque, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-02-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Benipatti P.S. Case No. 140/14 (G.R. No. 2150/14) for offences

alleged under Sections 341, 323, 354-B, 307, 379/34 of the Indian

Penal Code.

The prosecution case, in brief, is that daughter-in-

law of one Gulab Rai had fled away from her matrimonial home

and came back after three days. Due to that on 30.07.2014 at about

3.00 P.M. all the accused persons including the petitioners

forming an unlawful assembly came to the house of the informant



and dragged her to the village temple and assaulted her by fists and slaps. Lagan Rai pulled saree and torn her blouse and made her naked. Nawal Rai put a gamchha around her neck and began to press with intention to kill her. Accused Gulchan Rai along with other accused persons cut her hair. Subsequent to that, accused Gulchan Rai put gamchha around her neck and pulled her due to that she became unconscious and fell down on the ground. Then the accused persons went away and thereafter the daughter-in-laws and daughter of informant came there and took her to their house.

It has been submitted by the learned counsel for the petitioners that they have no criminal antecedent, as is evident from paragraph 3 of this petition and petitioner no. 1 is not named in the First Information Report, but during course of investigation his name figured in the present case. During course of investigation, case under Section 307 I.P.C. has been found false by the Investigating Officer.

So far petitioner nos. 2 and 3 are concerned, no overt act has been attributed against them. Moreover, Co-Ordinate Bench of this Court, has granted the privilege of bail to the similarly situated co-accused as the petitioner nos. 1, 2 and 3 in Cr. Misc. Nos. 29860 of 2015, 30661 of 2015, 43624 of 2015, 56394 of 2015 vide orders dated 28.07.2015, 30.07.2015,

14.10.2015 and 16.12.2015 respectively.

Considering the fact that there is specific allegation against petitioner no. 4 Nawal Rai, let the court below consider the prayer for regular bail of petitioner no. 4, in case, petitioner no. 4 surrenders before the court below within a period of six weeks from today.

So far petitioner nos. 1, 2, and 3 are concerned, since there is no specific allegation against them, let petitioner nos. 1, 2 and 3, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Benipatti, Madhubani, in connection with Benipatti P.S. Case No. 140/14, G.R. No. 2150/14, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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