

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40001 of 2016

Arising Out of PS.Case No. -135 Year- 2016 Thana -KADWA District- KATIHAR

1. Dukhai Mandal son of Madai Mandal
2. Bidyanand Mandal Son of Dukhai Mandal
3. Subool Mandal son of Dukhai Mandal
All resident of Village Dilalpur, P.S. Baliya Belon District Katihar

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 28-10-2016 Heard both sides.

The petitioners, namely, Dukhai Mandal, Bidyanand Mandal and Subool Mandal apprehend their arrest in Kadwa (Balua Belon) P.S. Case No. 135 of 2016 under Sections 323, 341, 379, 354 and 377 of the Indian Penal Code.

The complainant filed a complaint case on 10.06.2016 alleging therein all the accused persons came and assaulted her and accused no. 2, Bidyanand Mandal, inserted Maize in her private parts.

Learned counsel for the petitioners submits that the occurrence took place on 31.05.2016, but after one week of the occurrence, the complaint was filed on the basis of which the

present F.I.R. is registered. The petitioners are agnates and neighbours of the informant on account of land dispute, the present case has been filed. On the other hand, learned counsel for the APP as well as learned counsel for the informant vehemently opposed the prayer for bail and submitted that the informant was examined on 31.05.2016 and the Doctor found several injuries on her person. The informant informed the police on the same day but the police did not enquire the case. Thereafter, the informant filed the complaint case.

Having considered the facts that the petitioners are not only alleged to have assaulted the informant but the petitioner No. 2, Bidyanand Mandal, is alleged to have inserted Maize (Bhutta) in the private part of the informant, I am not inclined to enlarge the abovenamed petitioners on anticipatory bail and accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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