

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17944 of 2016

Arising Out of PS.Case No. -56 Year- 2015 Thana -KANGALI District-
WESTCHAMPARAN(BETTIAH)

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1. Aliraj Miya Son of Late Yasin Miya
2. Moharlal Miya Son of Late Yasin Miya
3. Aurangjeb Miya Son of Aliraj Miya
4. Rambalak Baitha Son of Late Nirmal Baitha
5. Lalbabu Sah Son of Jag Sah All residents of Village - Sabithwa, P.S. -
Kangali, District - West Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Ambika Bhagat, Special P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 02-05-2016 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offences punishable under sections 341, 323 354,504/34 of the Indian Penal Code and section 3(i)(x) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act.

As per the allegation, the petitioners came to the agricultural field where the informant, her husband and their son were working and started abusing them taking the name of the caste and ordered not to harvest the land, however, they refused. Then the petitioners started assaulting them on which her husband and the son fled away and, thereafter, all the five

petitioners tried to outrage the modesty of the informant with an intention to commit rape upon her but on raising alarm by the husband and the son of the informant, the petitioners' side fled away.

It is contended on behalf of the petitioners that it is unbelievable that the husband and the son of the informant, who were assaulted by the petitioners and due to which they fled away from the scene, still they could have raised alarm. It is further stated that nothing was in public view as it is not stated in the First Information Report that anybody else was present at the time of occurrence at the agricultural field except the husband and the son of the informant. It is also stated that there is a case and a counter case between the parties and the First Information Report lodged by the petitioners' side has been appended as Annexure 2.

Having regard to the facts and circumstances of the case, let the abovenamed petitioners, namely, Aliraj Miya, Moharlal Miya, Aurangjeb Miya, Rambalak Baitha and Lalbabu Sah, be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Kangali Police Station Case No. 56/15 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Rupees) each with two sureties of the

like amount each to the satisfaction of Sri Jitesh Kumar, J.M., Ist
Class, Bettiah, West Champaran, subject to the conditions laid
down under sub-section (2) of Section 438 of the Code of
Criminal Procedure.

(Dr. Ravi Ranjan, J)

SC/-

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