

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37664 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -MAHILA PS District- JEHANABAD

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1. Deepak Kumar
2. Ravi Raj Kumar, both are sons of Budhdeo Singh Residence of village -
Murgiyachak, P.S. - Ghosi, Dist. - Jehanabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashmi Kumari Mandilwar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 04-10-2016 Heard both sides.

The petitioners herein seek anticipatory bail in Jehanabad Mahila P.S. Case No. 22 of 2016 registered under Sections 354, 376, 511, 379 and other allied Sections of the Indian Penal Code as well as Section 8 of the POCSO Act.

While the informant was alone in the house, the five accused(s) persons intruded into the house after scaling the wall and started committing theft. She awoke and objected whereafter they made valiant attempt to outrage her modesty. Those five accused(s) persons are not the petitioners. The following day, the petitioner nos. 1 and 2 came to her house and started thrashing her uncle on related issue.

Contention of the petitioners is that they are not alleged to have made attempts to commit theft or outrage the modesty of the informant. Petitioner no. 1 had contested the recent Mukhiya Election against the father of the informant. For this reason, in the second part of the FIR, the allegation is leveled against them. Both petitioners are brothers. The police upon investigation did not find any sufficient material against the petitioners.

Considering the facts and circumstances of the case, let the petitioners above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st Jehabanad in Jehanabad Mahila P.S. Case No. 22 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his/their own/close family member. The petitioners shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel their bail bonds.

(Kishore Kumar Mandal, J)

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