

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16190 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -PARBATTa District- KHAGARIA

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1. Sudhakar Yadav, S/o Achhelal Yadav,
 2. Sintu Yadav,
 3. Pintu Yadav, Both sons of Sudhakar Yadav, resident of Village- Salarpur, P.S.- Parbatta, District- Khagaria.
 4. Rita Devi, W/o Rajesh Yadav @ Rajesh Kumar Ranjan, resident of Village- Kulhariya, P.S.- Parbatta, District- Khagaria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ranjeet Kumar Singh, Advocate.

For the Opposite Party : Mr. Satyadev Prasad Singh Yadav, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-04-2017 Heard both sides.

The petitioners apprehend their arrest in Parbatta P.S. Case No. 02 of 2017 registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that while she had gone to attend call of nature along with her sister-in-law, Sonu Kumar came from behind and caught her hand with an intention to outrage her modesty. On protest, Sonu Kumar assaulted her with fists and slaps and torn her clothes. The sister-in-law of the informant came to rescue her but Sonu Kumar also assaulted her. The brother of



the informant also came there but Sonu Kumar also assaulted him on his nose. The petitioners are alleged to have come later on and on the order of Sudhakar Yadav, petitioner no. 1 Rita Devi, petitioner no. 4 is alleged to have fired.

Learned counsel for the petitioners submits that the allegation of firing is false. No empty cartridge was recovered from the place of occurrence nor any specific allegation is made against the petitioners. The entire allegation is against Sonu Kumar who is alleged to have caught the hand of the informant with an intention to outrage her modesty and also assaulted the informant, her sister-in-law and her brother.

Learned APP vehemently opposed the payer for anticipatory bail of the petitioners.

It appears that the petitioners appeared at the place of occurrence later on after alarm and on the order Sudhakar Yadav, Rita Devi is alleged to have fired but there was no sign of firing nor any empty cartridge was found on the place of occurrence.

Considering the facts aforesaid, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate 1st, Khagaria in Parbatta P.S. Case No. 02 of 2017, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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