

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11330 of 2017

Arising Out of PS.Case No. -170 Year- 2016 Thana -BASOPATTI District- MADHUBANI

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1. Vinod Kumar Choudhary, son of Sri Ram Jeevan Choudhary, Head Master, Rajkiye Primary School, Durga Bhawan, Chhatauni, resident of Village - Duhabi Bazar, P.S. Basopatti, District - Madhubani.
 2. Deepan Yadav, son of Late Baldev Yadav, resident of Village - Chhatauni, P.S. - Basopatti, District - Madhubani.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Babita Kumari, Advocate
For the Opposite Party : Mr. Binod Kumar 2 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

- 3 19-04-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in connection with Basopatti P.S. Case No. 170 of 2016, registered for the offences punishable under Sections 341, 323, 354 (B), 379, 504, 506/34 of the Indian Penal Code.

Allegedly, the petitioners assaulted the informant and thereafter torn her blouse, pulled her sari and made her naked, they were abusing the informant and the petitioner Vinod Kumar Choudhary was in drunken state.

Submission is of false implication and that during investigation the petitioner were noticed under Section 41(1) of



the Cr.P.C. and were not arrested and now chargesheet has been submitted and, as such, the petitioners apprehend their custody in case of their surrender.

The learned A.P.P. submits that the petitioners must surrender and seek regular bail as they were not arrested by the police. During investigation, it reveals that the petitioners were released by the police after taking into custody.

In the facts and circumstances as stated above, the petitioners are directed to surrender in the court below and seek regular bail and the learned court below will consider that the petitioners were not arrested during investigation and were left under Section 41(1) of Cr.P.C. Accordingly, this Criminal Miscellaneous is hereby disposed of.

(Jitendra Mohan Sharma, J.)

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