

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40353 of 2016

Arising Out of PS.Case No. -52 Year- 2014 Thana -BHEJA District- MADHUBANI

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1. Raushan Khatoon Daughter of Md. Illiyas.
 2. Zarina Khatoon Daughter of Md. Illiyas
 3. Kulsum Khatoon Wife of Md. Illiyas
 4. Md. Illiyas Son of late Md. Bhatalu. All are resident of Village- Nahari, Jagarnathpur, P.S.- Bheja Distt Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 01-03-2017

Heard learned counsels for the petitioners and the State.

The petitioners have renewed prayer for anticipatory bail in a case registered for the offences punishable under Sections 341, 323, 307, 316 and 379/34 of the Indian Penal Code. Subsequently, section 3(1)(x) of SC/ST (Prevention of Atrocities) Act was also added.

The prosecution case is that the accused persons started cutting the crop from the informant's land when informant made protest she was being assaulted as a result her pregnancy got terminated and mustard crop was also taken by



the accused persons.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. The injury report suggests only two superficial abrasion and swelling whereas the petitioners' side lodged Bheja P.S. Case No. 51 of 2014 at earlier point of time. The ground for renewal of prayer for anticipatory bail is that the petitioner nos. 1 and 2 are unmarried girls and petitioner nos. 3 and 4 are aged persons. The informant has retracted from the initial version and a petition to that effect before the learned court below. The same has been brought on record as Annexure-5.

Keeping in view of the fact that no new ground has been pleaded for reviewing the earlier order, this Court is not inclined to revise the earlier order, but keeping in view of the fact that the accusation is not being corroborated by the medical report, the petitioner nos. 1 and 2 are unmarried girls, moreover, the case lodged by the petitioners' side is at earlier point of time coupled with the statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, it is a case for consideration of prayer for bail, if the petitioners surrender before the learned court below within a period of six weeks from



today in connection with Bheja P.S. Case No. 52 of 2014 pending in the court of learned Judicial Magistrate, Ist Class, Jhanjharpur at Madhubani. It is expected from the learned court below to dispose of the bail application preferably on the same day particularly with regard to petitioner nos. 1 and 2 since they are unmarried girls and the informant has retracted from the initial version.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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