

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50818 of 2016

Arising Out of PS.Case No. -161 Year- 2014 Thana -SARAI District- VAISHALI(HAJIPUR)

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1. Rinku Bhagat.
2. Tuntun Bhagat.
3. Guddu Bhagat. All Sons of Ramswarup Bhagat. All are residents of Village- Paura Madan Singh, Tola Darhara, P.S. -Sarai, District Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dharmesh Kumar, Advocate.

For the Opposite Party : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-01-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Sarai P.S. Case No. 161 of 2014 for the offences instituted under Sections 147, 148, 323, 324, 307, 354, 376/511 and 380/34 of the IPC.

It is alleged that the co-accused Hiran Bhagat entered into the house of the informant and forcibly tried to commit rape upon her sister-in-law (Gotani). On protest, the petitioner no.2 causing injury with Farsa on the head of the informant and other accused persons assaulted the informant with Lathi and Iron-rod. When the family members of the informant came to rescue they



were also assaulted by the accused persons. Petitioner no. 1 causing injury with Iron rod on the head of Sanjay Bhagat. Petitioner no. 3 and co-accused Bipin Bhagat torn Blouse and naked the sisters-in-law (Gotanis) of the informant. The accused also took jewellery worth Rs. 3,00,000/- and other articles of the informant and her sisters-in-law.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The alleged date of occurrence is said to be 20.08.2014. In respect to which, a complaint case was filed in the court below on 22.08.2014. The delay has not been explained by the prosecution. A police case was also instituted by the co-accused, namely, Hiran Bhagat. His fardbeyan was recorded in the hospital, Emergency Ward at Hajipur on 20.08.2014 i.e., prior to institution of the complaint case made by the complainant/ informant. The present prosecution is a malafide in nature. Petitioner nos. 1 and 2 are said to have assaulted the informant and others. The nature of injury is said to be simple. It is a case and counter case between the parties.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the



petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Sarai P.S. Case No. 161/2014 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

