

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53141 of 2017

Arising Out of PS.Case No. -99 Year- 2017 Thana -UDAKISHANGANJ District- MADHEPURA
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1. Aitvari Chaudhary, son of Late Ayodhi Choudhary
2. Mithilesh Choudhary, Son of Aitvari Choudhary, Both resident of Village- Bakhari, Ward No. 13, P.S.- Udakishunganj, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar 3

For the Informant : Mr. Pawan Kumar
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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-11-2017 Heard the learned counsel for the petitioners, the learned Addl. P.P. for the State and the learned counsel for the informant.

The petitioners seek regular bail in connection with Udakishunganj P.S. Case No. 99 of 2017, dated 13.07.2017 for the offences punishable under Sections 348/354/379/504/34 of the Indian Penal Code.

It has been alleged in the FIR by the informant Reena Devi that on 23.06.2017 in the night while she along with her children was sleeping on the verandah of the house, the petitioner no. 2 committed some bad act forcibly with the informant with a bad intention and upon protest and after raising alarm, the said



petitioner no.2 fled away.

The learned counsel for the petitioner submits that the F.I.R. has been filed after 20 days of the occurrence and such type of allegation is absolutely hypothetical.

Per contra, the learned counsel for the informant submits that there is ample evidence to show the complicity of the accused persons.

Having heard the learned counsel for the parties, I find that as far as the petitioner no.1 is concerned, there is no allegation against him and as such I deem it fit and proper to enlarge the petitioner no. 1 on regular bail. However, so far as the petitioner no.1 is concerned, I find that there is direct allegation against him regarding outraging the modesty of the informant and as such I do not deem it fit and proper to enlarge the petitioner no.2 on bail.

Accordingly, the petitioner no. 1, namely, Aitvari Chaudhary is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Sub- Divisional Judicial Magistrate, Udakishunganj, District Madhepura in connection with Udakishunganj P.s. Case No. 99 of 2017.

So far as petitioner no.2, namely, Mithilesh



Choudhary is concerned, his prayer for regular bail is rejected. He may renew his prayer for bail after completion of one year in custody i.e. from 01.08.2017.

(Mohit Kumar Shah, J)

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