

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13877 of 2017

Arising Out of PS.Case No. -440 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Jadu Raut , son of Lal Raut @ Nand Lal Ram,
2. Dashrath Raut , son of Lal Raut @ Nand Lal Ram, Both residents of
Village- Dhobaha, Police Station- Shikarpur, District-West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s M/S. B.N.Mishra with Mr.Brij Kishor Mishra
Advocates

For the Informant : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APp

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-03-2017

Heard learned counsel for the petitioners.

This is an application for bail in connection with
Shikarpur P.S.Case No. 440 of 2016 registered for the offences
punishable under Sections 363 and 366A/34 of the Indian Penal
Code.

It has been submitted on behalf of the petitioners that
in the FIR there is no allegation except kidnapping against the
petitioners and later on in the statement of victim recorded under
Section 164 Cr.P.C. before the Magistrate she has named these
petitioners along with one Satan also stating about committing
rape against the petitioners and Satan, who is brother of the



petitioners and uncle of the petitioners and, as a matter of fact, this case has been filed in order to pressurize upon the petitioners as there is a Sessions Trial going on against the informant, being Sessions Trial No. 64 of 2011, arising out of Shikarpur P.S. Case No. 163 of 2008, in which petitioner is informant and the case is under Section 376 IPC. It has further been submitted that as this case has not been found true under Section 376 IPC, charge-sheet has been submitted under Sections 363 and 366A IPC against the petitioners and they are in custody since 19.11.2016.

Heard learned APP and learned counsel for the informant also, who have opposed the prayer for bail but could not controvert the fact that earlier case has been filed by the petitioner against the informant and Sessions Trial is going on.

Having heard both sides and considering the submission, as stated above, not controverted by learned APP and learned counsel for the informant, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Shikarpur P.S. Case No. 440 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioners shall be a local



person having sufficient immovable properties within the jurisdiction of the concerned Court.

(ii) The petitioners will not induce any witness or tamper with the evidence.

(iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of their bail.

(Vinod Kumar Sinha, J)

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