

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54848 of 2017

Arising Out of PS.Case No. -118 Year- 2017 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

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1. Anil Kushwaha, Son of Munshi Kushwaha.
2. Sunil Kushwaha, Son of Munshi Kushwaha.
3. Ram Raj Kushwaha, Son of Late Baij Nath Kushwaha, All resident of village Pahadiya P.S. Bhagwanpur, District Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 20-11-2017 Learned counsel for the petitioner submits that petitioner no. 3, Ram Raj Kuswaha, has been arrested by the police, so he seeks permission with withdraw this application against him.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with regard to the petitioner no. 3, Ram Raj Kuswaha.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioner nos. 1 and 2 apprehend their arrest in connection with Bhagwanpur P.S. Case No. 118 of 2017



registered under Sections 341, 323, 354(b) and 504/34 of the Indian Penal Code and Section 8 of POSCO Act.

The accusation is that in the night of 19/20.08.2017, sister of the informant was sleeping at the roof. On raising alarm by the sister, informant and others woke up and found that Babua Kushwaha @ Babul Kushwaha fleeing away from the roof. On query, his sister disclosed that Babua Kushwaha made attempt to commit rape by pressing her breast. Thereafter, informant reached at the house of Babua Kushwaha and made complaint then Ram Raj Kushwaha (petitioner no. 3), Anil Kushwaha (petitioner no. 1) and Sunil Kushwaha (petitioner no. 2) started to abuse and caused assault to the informant.

Learned counsel for the petitioners submits that, in fact, early in the morning, informant and others reached at the door of the petitioner and started to cause assault, in which, Muns i Singh, sustained injury, regarding which, Bhagwanpur P.S. Case No. 119 of 2017 is also instituted on the basis of written report of petitioner no.3 against Girdhari Singh (complainant of the present case) and others. Moreover, the allegation of making attempt of committing rape to the sister of the informant is against Babua Kushwaha and the injury as found on the person of the informant is simple in nature.



Having regard to the facts and circumstances of the case, let the above named petitioners 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, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-V, Kaimur at Bhabua, in connection with Bhagwanpur P.S. Case No. 118 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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