

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19813 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- MAHNAR District- Vaishali

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1. Vikash Kumar, Son of Visheshwar Ram
 2. Manoj Kumar, Son of Chandradeep Ram
 3. Ratnesh Kumar, Son of Chushai Ram, All Resident of Lahurichak, P.S. Mahnar Ward No. 5, P.O.+P.S.-Mahnar, District-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjana Parihar
For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323, 354, 376/511, 307, 379 and 504/34 of the IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

The prosecution case got initiated by filing Complaint Case No. 06 of 2017, on 17.11.2017 which ultimately got registered as a police case after the complaint being transferred under Section 156(3) of the Cr. P.C. on 15.01.2018. The prosecution case is that on 21.06.2017, petitioner nos. 1 and 3, Vikash Kumar and Ratnesh Kumar tried to outrage the modesty of the



daughter of the informant, Putul Kumari on the road and on alarm being raised, the accused persons escaped from the scene. Thereafter, the informant's daughter came home and explained everything to the informant. Thereafter, the accused persons came to the house of the informant and started abusing the informant then the informant came out from the house and protested by conveying them that she is going to file complain in Gram Panchayat as well as to the police, whereupon, petitioner no.1 Vikash Kumar, assaulted with garra causing bleeding injury on the head of the informant, as a result of which, she fell down, thereafter, petitioner no.2, Manoj Kumar snatched gold chain worth Rs. 30,000/-. Other accused persons entered into the house, when petitioner no.1, Vikash Kumar dragged the daughter of the informant by catching hold of her hair logs and tried to ravish her. Accused persons also took away articles from the house worth Rs. 55,000/-. The complainant was ultimately admitted to the Primary Health Centre, Mahnar.

It is submitted by learned counsel for the petitioners that for the occurrence of 21.06.2017 at 7 P.M., the complaint was filed on 17.11.2017, which came to be registered as a police case on 15.01.2018 and there is no explanation for such delay, however, the complaint petition stipulates that the complainant



had given information to the police, but they took no action. A statement has been made in paragraph no.8 of the petition that though, petitioner no.1 alleged to have assaulted with garrasa on the head of the informant, but no such injury has been found. Even assuming the accusation, no offence of penetrative sexual assault or aggravated penetrative sexual assault is made out as such offences defined under the provisions of the Protection of Children from Sexual Offences Act, 2012. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits there is specific accusation against the petitioners.

Considering the fact that the complaint was filed with inordinate delay and the impugned order does not suggest about any injury caused to the informant or her daughter, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 11 of 2018, subject to the condition as laid down under Section



438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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