

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20402 of 2018

Arising Out of PS. Case No.-188 Year-2016 Thana- ALOULI District- Khagaria

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1. Dilip Singh, S/o- Rambalak Singh,
 2. Rambalak Singh, S/o- Late Ram Pravesh Singh, Both R/o- Village- Manikchak Ukharaura, P.S.- Alouli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-04-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 395 and 354/34 of the IPC and Section 27 of the Arms Act.

The prosecution case got initiated with the filing of Complaint Case No. 452C of 2016, by Babita Devi on 09.06.2015. The said complaint got transferred under Section 156(3) of the Cr. P.C. and ultimately got registered as a police on 29.06.2016.

The prosecution case is that on 01.06.2016 at 1 AM, while the informant along with her children was sleeping in her house, all the accused persons including the petitioners came armed with weapon when co-accused Gulshan Kumar caught the leg of



the informant. It is further alleged that the informant woke up and raised alarm, upon which, petitioner no.1, Dilip Singh abused her and asked her to keep mum, otherwise, she will be assaulted. Thereafter, petitioner no.2, Rambalak Singh ordered for committing rape and for robbing all her belongings. It is further alleged that co-accused Gulshan Kumar started touching the body of the informant and assaulted her with slap and also tried to outrage her modesty. It is also alleged that petitioner no.2, Rambalak Singh took away a box containing Rs. 10,000/-, cloths and silver ornaments. Petitioner no.1, Dilip Singh took away earring worth Rs. 15,000/-.

It is submitted by learned counsel for the petitioners that for the occurrence of 01.05.2016, the complaint case was filed on 09.06.2016, which came to be registered as a police case on 29.07.2016, hence the complaint was filed after more than one month of the occurrence. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are also named in the FIR.

Considering the delayed lodging of the case, coupled with the statement made in paragraph no.3 of the petition that



the petitioners are not having any criminal antecedent, 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 Chief Judicial Magistrate, Khagaria in connection with Alouli P.S. Case No. 188 of 2016, 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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