

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23 of 2018

Arising Out of PS. Case No.-113 Year-2017 Thana- MAHILA P.S District- Supaul

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1. Chhotu Choudhary @ Raman Kumar @ Jaiswal @ Raman Kumar Jaiswal Son of Surya Narayan Choudhary
 2. Nirmal Kumar Choudhary @ Jaiswal @ Nirmal Choudhary @ Nirmal Kumar Jaiswal @ Choudhary Son of Surya Narayan Choudhary Both residents of Village - Daulatpur, Police Station -Raghopur, District - Supaul at present residing at Simrahi Bazar, Ward No. 8, Police Station - Raghopur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. SANJAY KUMAR SINGH

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-02-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Supaul Mahila P.S. Case No. 113 of 2017 registered for the offence punishable under Sections 448, 354B, 379, 376, 511, 504, 506 and 34 of the Indian Penal Code.

The allegation against the accused persons is entering the house of the informant and engaging in assault as well as outraging the modesty of the female members of the prosecution side. It is the allegation of the prosecution that the petitioners herein had tried to commit rape by secluding the female members from the other members of the prosecution side.



The learned counsel for the petitioners submits that the petitioner no. 2 is a physically handicapped person and is a government teacher as such it is doubtful regarding his complicity in the matter. It is submitted that the petitioners are having a clean antecedent and the present case arises out of case and counter case, the case filed by the accused side being earlier in point of time than the present case, hence it is submitted that the present has been filed as a counter blast, in order to escape the severity of the prosecution in the other case.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Supaul in connection with Supaul Mahila P.S. Case No. 113 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioners shall join the investigation and cooperate with the Investigation Agency



during the investigation, failing which the prosecution shall be free to approach this Court for cancellation of the privilege of anticipatory bail being granted to the petitioners.

(Mohit Kumar Shah, J)

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