

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.70971 of 2018**

Arising Out of PS. Case No.-37 Year-2017 Thana- JURAWANPUR District- Vaishali

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1. Babita Devi, wife of Om Prakash Rai.
  2. Raju Kumar @ Raju son of Om Prakash.
  3. Chhotu Kumar @ Chhotu, son of Om Prakash.
  4. Om Prakash Rai, son of Pramhansh Rai, All residents of Village- Shivnagar Bishram Tola, P.S. Jurawanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Anisur Rahman  
For the Opposite Party/s : Mr. Sri Asharaf Ansari

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      18-12-2018                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 377, 504/34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

The prosecution case is that on 07.07.2017 co-accused Raushan Kumar and Tejal Kumar committed unnatural sexual offence upon the son of the informant namely, Ankit Kumar by alluring him. When the wife of the informant, Rachana Devi went to the house of the accused persons to protect, then family members of both the persons Raushan and Tejal assaulted the wife of the informant.



It is submitted by learned counsel for the petitioners that the thrust of accusation is against Raushan and Tejal, who are not petitioners before this Court. However, since the petitioners are parents and brothers of both the accused, they have been roped in as an accused the present case. The specific accusation of assault has been levelled against six accused persons but the wife of the informant has not received any grievous injury. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the First Information Report with specific accusation.

Considering the fact that the thrust of accusation of unnatural offence and the offence under Section 6 of the Protection of Children from Sexual Offences Act is against Raushan Kumr and Tejal Kumar, coupled with the statement made in paragraph 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 or 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 the like amount each to the satisfaction of learned Additional Sessions Judge-I -cum- Special Judge,



Vaishali at Hajipur in connection with Jurawanpur P.S. Case No.  
37 of 2017, subject to the conditions as laid down under Section  
438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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