

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11555 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -NAWANGAR District- BUXAR

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1. Saroj Kumar S/o Surendra Yadav
2. Arun Yadav, S/o Bindeshwari Yadav, Both Resident of Village-Keshath,
P.S.-Nawanagar, District-uxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Tiwary

For the Opposite Party/s : Mr. B.N.Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 08-03-2018 Heard both sides.

The petitioners apprehend their arrest in Nawanagar P.S. Case No.177 of 2017 registered under Sections 448, 323, 325, 379, 504, 354/34 of the Indian Penal Code and under Sections 8 and 11 of POCSO Act.

The informant alleged that both these petitioners namely Saroj Kumar and Arun yadav along with Vikash Yadav entered into his house and assaulted his minor daughters. They also outraged the modesty of Gudia Kumari. On protest, they assaulted her causing injury on her thigh. The informant further alleged that when the informant and others came to their house and made protest, the accused persons assaulted them.



The learned counsel for the petitioners submits that the present occurrence is said to have taken place on 29.11.2017 but prior to institution of the present case, Bindeshwari Yadav, the father of petitioner No.2, Arun Yadav filed complaint case No.1010(c) of 2017 on 25.11.2017 alleging therein that the informant of the present case namely, Bir Bahadur Singh entered into the house on 23.11.2017 assaulted the complainant and others and took away different articles. On account of such enmity, the present case has been lodged. It is further submitted that no fracture injury was found in thigh of Gudia Kumari. The injury report is Annexure 3 and it shows that Guria got swelling and pain on right leg besides complaint of chest pain but the lacerated wound and swelling on right ear and on right leg were opined to be simple in nature. The rib bones of Gudia Kumari were found hairline fracture. This fact also does not corroborate the version of the informant about the fracture of thigh of his daughter but it appears that both the petitioners along with Vikash Yadav are firstly alleged to have entered into the house of the informant when only two daughters of the informant were present in the house. The accused persons tried to outrage the modesty of the daughter of the informant and also assaulted her on protest. The doctor also found hairline fracture of 6th rib which is opined to be



grievous in nature.

Considering the facts aforesaid and nature of allegation made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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