

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31631 of 2018

Arising Out of PS.Case No. -108 Year- 2017 Thana -KHAIRA District- JAMUI

- =====
1. Kumari Veena Prabha, wife of Bajrangi Vishwakarma.
 2. Manju Devi, wife of Vishwanath Vishwakarma.
 3. Vishwanath Vishwakarma, son of Late Doman Vishwakarma.
 4. Bajrangi Vishwakarma, son of Vishwanath Vishwakarma. All are residents of Village- Amari, Police Station- Khaira, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 22-06-2018 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Khaira P. S. Case No. 108 of 2017 registered for the offences punishable under Sections 341, 323, 354(b), 504/34 of the Indian Penal Code and section 8/12 of POCSO Act.

The informant claims that co-accused, Rajiv Kumar, made attempt to outrage the modesty of her minor daughter and when she went to make complaint to the petitioners, they assaulted her mercilessly.

Submission on behalf of the petitioners is that the claim of the informant was investigated by the police and after investigation,



police found accusation untrue and, accordingly, submitted final form which is evident from perusal of Annexure-3 to the petition but learned court below differed with the finding of the police and took cognizance.

Learned counsel for the petitioners further submits that as a matter of fact, much prior to institution of present case, petitioner no.- 1 lodged SC/ST Jamui P. S. Case No. 19 of 2017 against the family members of informant of the present case and as a matter of fact, the present case was lodged in retaliation of SC/ST Jamui P. S. Case No. 19 of 2017.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Session Judge 1st Jamui in Khaira P.S. Case No. 108 of 2017 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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