

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23881 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- JANDAHA District- Vaishali

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1. Deenanath Sah, S/o- Chandeshwar Sah,
 2. Vishal Kumar @ Chhotu, S/o- Ram Swarath Sah,
 3. Sumit Kumar, S/o- Suresh Sah,
 4. Jagarnath Sah, S/o- Amarnath Sah, All R/o- Village- Siwara Chatil, P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sri Madhuranand Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-04-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 354, 354(A)(1) (i) and 504/34 of the IPC.

The prosecution case, as per the written report of Hina Kumari, dated 09.03.2018, submitted to the Station House Officer, Jandaha Police Station is to the effect that for appearing at the examination conducted by S.C.C., the informant on 08.03.2018, at 7 A.M. went to Patori Station for catching train, but the since the train was cancelled, the informant was going to Patna through Jandaha road when on the way, the petitioners who are the neighbours of the informant, chased her and tried to caught hold of her but she managed to escaped from the scene



and when she returned from Patna then lodged written report.

It is submitted by learned counsel for the petitioners that one of the petitioners is the cousin of the informant. Even assuming the accusation to be true, the offence under Sections 354 and 354A IPC is not made out against the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is further submitted that for the occurrence of 08.03.2018 at 7 A.M., the FIR has been registered on 09.03.2018 at 7.30 PM, which reached to the Court of learned Magistrate on 12.03.2018, which suggests that by antedating, the FIR has been registered.

Considering the delayed transmission of the FIR to the Court of learned Magistrate, which clouds the bona fide of the accusation, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having criminal antecedent, moreover, there is no medical report on the record 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 ACJM, Vaishali



at Hazipur in connection with Jandaha P.S. Case No. 48 of 2018,
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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