

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37792 of 2018

- =====
1. Umesh Singh S/O Late Ramchandrar Singh
 2. Shyam Kumar S/O Umesh Singh
 3. Rakesh Kumar S/O Umesh Singh All are residence of village-Mera Bigha, P.O. + P.S.- Ghoshi, Dist.- Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 03-07-2018

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 342, 323, 354B, 506/34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

The prosecution case as per the written report of Salsa Kumari dated 01.04.2018 submitted to the Station House Officer, Jehanabad Mahila P.S. is to the effect that on 25.03.2018 at 1.00 P.M. the informant went in the field to cut grass when co-villager Mukesh Kumar came and tried to pull her Dupatta and while catching hold of her hand he started dragging her. The



informant raised alarm when her brother working in the field came and caught hold of Mukesh Kumar and started taking him to his house. In the meantime, father of Mukesh, Umesh Singh and brothers Shyam Kumar and Rakesh Kumar (the petitioners) came and assaulted the informant and her brother. They also threatened the informant that the accused will continue to outrage the modesty of the informant.

It is submitted by learned counsel for the petitioners that for the occurrence of 25.03.2018 the written report was submitted on 01.04.2018, which reached to the Court of learned Chief Judicial Magistrate on 03.04.2018 which suggests that the FIR has been registered after a significant delay, but it has also been antedated. It is further submitted that at earlier point of time, petitioner no. 3 Rakesh Kumar, brother of Mukesh Kumar had lodged Ghosi P.S. Case No. 68 of 2018 against the informant and her other family members with accusation under Sections 147, 148, 149, 448, 504, 506, 427, 379 and 307 of the Indian Penal Code on 27.03.2018 and hence, as a retaliatory measure the present case was registered on 01.04.2018 with malicious accusation. The only non-bailable offence alleged is under Section 354B of the Indian Penal Code and Section 8 of POCSO Act, which is applicable only against co-accused Mukesh



Kumar.

Learned APP, however, submits that the petitioners are named in the FIR with accusation.

Considering the thrust of accusation against Mukesh and 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 Ist, Jehanabad in connection with Jehanabad Mahila P.S. Case No. 13 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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