

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33428 of 2018

Arising Out of PS. Case No.-192 Year-2017 Thana- AADAPUR District- East Champaran

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1. Kamlesh Patel, S/o Late Prasad Patel R/o Vill.- Narkatia, P.S.- Narkatia, Distt.- Rauthat, Nepal presently residing at Sirisiya Kala, P.S.- Adapur, Distt.- East Champaran.
 2. Premchandra Patel S/o Rajveer Patel , R/o Vill.- Sirisiya kala, P.S.- Adapur, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chanrawti Devi W/o Sundeshwar Patel , R/o Vill.- Sirisiya kala, P.S.- Adapur, Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar
For the Opposite Party/s : Mr. Sri Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-07-2018 Heard the learned counsel for the petitioners,
the informant and the State.

The petitioners seek bail in anticipation of their arrest in connection with Adapur P.S. Case No. 192 of 2017 dated 05.07.2017 instituted for the offences under Sections 341, 323, 324, 307, 376, 511, 504, 506 and 34 of the Indian Penal Code.

The informant alleges that while she was returning after attending to the call of nature, she was caught by the petitioners and attempted to be raped. When her husband came to her rescue, he too was assaulted on his private parts.

Learned counsel for the petitioners has



submitted that from the very narration in the FIR, the case would appear to be false in as much as deliberately the informant has chosen not to state the relationship of the petitioners with her.

The petitioner no. 2 is the own elder brother of the husband of the informant, whereas petitioner no. 1 is also related to her. Prior to the filing of the present case, petitioner no. 2 had filed a case vide Adapur P.S. Case No. 39 of 2017 against the husband of the informant and others. The wife of the petitioner no. 2 has also filed a case vide Adapur P.S. Case No. 116 of 2017 against the husband of the informant and others. There has been a series of litigation between the parties. The allegations in the FIR, it has been argued, do not make out any case under Sections 376/511 of the Indian Penal Code. With respect to the assault perpetrated on the informant, it has been submitted that the doctor only opined that the informant complained of pain in her abdomen with no external injury. Even the Ultrasound report does not refer to any internal injury on the informant.

Considering the aforesaid facts, the petitioners above named are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Adapur P.S. Case No. 192 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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