

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38095 of 2018

Arising Out of PS. Case No.-143 Year-2005 Thana- GOH District- Aurangabad

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1. Radha Charan Paswan, S/o Birendra Paswan,
 2. Ram Ekbal Paswan, S/o Birendra Paswan,
 3. Eklabya Paswan, S/o Radha Charan Paswan,
 4. Girigesh Paswan, S/o Birendra Paswan,
- All R/o Vill.- Hasanpur, P.S.- Goh, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Adv.

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 376/511/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of Savita Devi, recorded by Sub-Inspector of Police, S.P. Singh of Goh Police Station on 06.11.2005 at 7.30 A M., to the effect that on the same day at 5.30 A.M., the informant went outside the village to ease out when the co-villager petitioners nos. 1 and 2, Radha Charan Paswan and Ram Ekbal Paswan respectively came towards her and caught hold the hand of the



informant, in the meantime, Girjendra Paswan, Eklavya Paswan also came there and they pushed down the informant on the ground and tried to commit rape upon her. The informant raised alarm and when the nearby people came then the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioners that the FIR was registered on 06.11.2005, but on conclusion of investigation, final report was submitted on 28.11.2006 and the petitioners have not been sent up for trial, but differing with the final form, the cognizance has been taken and process has been directed to be issued vide order dated 22.02.2018 by the Judicial Magistrate, 1st Class, Aurangabad. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent except petitioner nos. 1 and 2, who are accused in one other case Being Goh P.S. Case No.30 of 2002, wherein, both are on bail.

It is submitted by learned APP for the State that the accusation is specific against the petitioners.

Considering the fact that though the FIR was registered on 06.11.2005, but since the petitioners have not been sent up for trial and ultimately, the order of cognizance has been passed on 20.02.2018, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Daudnagar, Aurangabad, in connection with Goh P.S. Case No.143 of 2005, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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