

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43641 of 2018

Arising Out of PS.Case No. -224 Year- 2018 Thana -BARAUNI District- BEGUSARAI

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1. Ashok Singh son of Late Ram Shankar @ Bauwa
 2. Anil Kumar Singh son of Late Ram Chandra Singh
 3. Rishu Kumar son of Sri Anil Singh
 4. Aman Kumar son of Sri Bipin Singh
 5. Sanjay Singh son of Late Siya Sharan Singh
 6. Mohan Singh son of Late Shaligram Singh
 7. Bablu Singh son of Late Jagdish Singh All are residents of Village - Bihar Tola, Masnadpur, P.S. - Barauni (FCI), District Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Shashank Shekhar, Advocate Mr. Pravin Kumar, Advocate Mr. Malay Kumar Chaudhary, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-07-2018

Heard learned counsel for the petitioners,

State and the informant.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 384, 354B, 379, 504, 506, 337/34 of the Indian Penal Code and Sections 8/12 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case as per the written report



of Pramod Kumar Singh, Krishna Devi and Suruchi Kumari dated 03.06.2018 submitted to the Station House Officer, F.C.I., Barauni P.S., is to the effect that on the same day at 7-7.30 P.M., the informant was at his house when he received information that 13 accused persons have tried to ravish the niece of the informant namely, Suruchi Kumari, who resides in the nearby house, when the informant reached at the house of Suruchi Kumari then he found her semi naked, when the informant tried to rescue his niece, the accused persons made assault to the victim, the niece of the informant. The accused persons also snatched a loaded revolver and Rs.5,000/- from the informant. The FIR has been lodged against 13 accused persons.

It is submitted by learned counsel for the petitioners that the petitioners are agnates of the informant and in the background of land dispute, the accusation has been levelled. The victim has never been medically examined nor does the FIR suggest that she has been medically examined and there is a counter version of the occurrence lodged by Shiv Shankar Singh on the same day, wherein it is alleged that on 03.06.2018 that Pramod Singh came to his house and started abusing and after pointing pistol, he threatened to kill the informant. It is alleged that when Sohan Kumar, nephew of the



informant came to rescue him, he was also assaulted by and his son Puskar Kumar, in the meantime, the mother of Sohan Kumar, Bimal Devi came to rescue them, then Pramod Singh, Pushkar Kumar and Suman Chaudhary tried to outrage the modesty of Bimal Devi. It is further submitted by learned counsel for the petitioners that, though, for the occurrence of 03.06.2018 at about 7.30 A.M., the FIR has been registered on 03.06.2018⁹ at 9.30 P.M., when it reached to the Court of learned Special Judge on 11.06.2018 which suggests that by antedating the FIR has been registered. The FIR lodged by petitioners' side was registered on 03.06.2018 at 9.45 P.M. which reached to the Court of learned Chief Judicial Magistrate on 04.06.2018. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that the accused persons tried to outrage the modesty of a minor girl and investigation is at initial stage. However, he concedes that the petitioners are agnates and in the background of land dispute the accusation has been levelled or there is no medical report of the victim on the record.



Considering the genesis of the occurrence, delayed reaching of the FIR to the Court and FIR of counter case reached to the Court on next day of the occurrence coupled with the 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 Special Judge, POCSO Act –cum- Additional Sessions Judge-Ist, Begusarai in connection with Barauni (FCI) P.S. Case No. 224 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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