

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11002 of 2019

Arising Out of PS. Case No.-475 Year-2018 Thana- BAHERA District- Darbhanga

1. Chandan Jha @ Chandan Kumar Jha, Son of Surendra Jha, R/o Village- Shibram, P.S- Bahera, District- Darbhanga
2. Surendra Jha, Son of Late Kanhaiya Lal Jha, R/o village- Shibram, P.S- Bahera, District- Darbhanga
3. Kashi Kant Jha, Son of Late Kanhaiya Lal Jha, R/o village- Shibram, P.S- Bahera, District- Darbhanga
4. Ramanji Jha, Son of Kashi Kant Jha, R/o- village- Shibram, P.S- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.13, Adv. Mr. Rohit Kumar, Adv.
For the Informant	:	Mr. Prabhat Kumar Singh, Adv.
For the State	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2019 Heard learned counsels for the petitioners and the State.

It is submitted by learned counsel for the petitioners that petitioner no.1, Chandan Jha @ Chandan Kumar Jha has already been arrested, hence he seeks permission to withdraw the application with regard to petitioner no.1.

Permission is accorded.

Accordingly, the present application with regard to petitioner no.1 is dismissed as withdrawn.



So far as petitioner nos. 2 to 4 are concerned, they are apprehending arrest in a case registered for the offences punishable under Sections 376/511, 341, 379, 448, 354B/34 of the IPC.

The prosecution case, as per the written report of Dharmasheela Devi, dated 31.10.2018, submitted to the Station House Officer, Bahera Police Station, is to the effect that on 30.10.2018 at about 10 P.M., the informant and her daughter were sleeping in separate rooms, in the meantime, petitioner no.1 entered into the room of the daughter of the informant and made an attempt to ravish her, whereupon daughter of the informant caught hold the petitioner no.1 and raised alarm, then petitioner nos. 2 to 4 came and pressurized the informant for releasing petitioner no.1 and when the informant forbade to release petitioner no.1, all the FIR named accused persons assaulted the informant and her daughter and tore the clothes of the informant's daughter. It is further alleged that all the accused persons gave threat to the informant to enter into compromise in an earlier case lodged by the informant's side against the petitioners' side being Bahera P.S. Case No. 371 of 2017. It is further alleged that all the accused persons also robbed the house holds articles of the informant.



It is submitted by learned counsel for the petitioners that the accusation for the offences under Sections 376/511 IPC is only levelled against petitioner no.1 and in the background of earlier land dispute and litigated relationship between the parties, the accusation has been levelled against the petitioners. It is further submitted that no injury report of the informant and her daughter is on record to corroborate the accusation made in the FIR.

Learned counsel for the informant submits that though thrust of accusation is against petitioner no.1, but petitioner nos. 2 to 4 facilitated in commission of offence of rape on the daughter of the informant and the petitioners also committed theft in the house of the informant. It is further submitted that there is no land dispute between the parties.

Considering the fact that thrust of accusation is against petitioner no.1, who has already been arrested and the accusation of assault not being corroborated by any medical opinion, let the above named petitioner nos. 2 to 4 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, Benipur, District-Darbhangha in connection with
Bahera P.S. Case No. 475 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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