

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20796 of 2019

Arising Out of PS. Case No.-345 Year-2018 Thana- KESARIA District- East Champaran

1. Abha Devi, Wife of Rajesh Ram, Resident of Village - Kadhan, P.S.- Kesariya, District- East Champaran
2. Rajesh Ram, Son of Bhola Ram, Resident of Village - Kadhan, P.S.- Kesariya, District- East Champaran
3. Arvind Ram @ Arvind Kumar Ram, Son of Bhola Ram, Resident of Village - Kadhan, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-04-2019 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 341, 323, 324, 354, 313 and 504/34 of the Indian Penal Code.

The prosecution case as per the written report of Shila Kumari Devi, submitted to Camp-in-charge, Sadar Hospital Motihari is to the effect that on 07.08.2018, when the informant was cleaning her courtyard, in the meantime, all the petitioners came there and started abusing her. On protest being made,



petitioner no.2, caught hold of her hair and assaulted her. Thereafter, petitioner no.2 and 3 also assaulted her, as a result, she became naked and fell down. It is further alleged that petitioner no.2, assaulted on the stomach of the informant, due to which her pregnancy got terminated and she became unconscious.

It is submitted by learned counsel for the petitioners that for the occurrence of 07.08.2018, written report was submitted on 13.08.2018, but it was actually registered on 23.08.2018. It is further submitted that the accusation is not corroborated by any medical opinion. It is further submitted that prior to the lodging of the present case, a case has been filed by the father of petitioner nos.2 and 3 against the husband of the informant, being Kesariya P.S. Case No.326 of 2018 on 08.08.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State the accusation is specific against the petitioners and they are named in the FIR.

Considering the delayed lodging of the case and at an earlier point of time, a case has been registered against the husband of the informant by the petitioner's father, couple with statement made in paragraph no.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 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 **ACJM, Motihari, East Champaran** in connection with **Kesariya P.S. Case No.345 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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