

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.40953 of 2019

Arising Out of PS. Case No.-48 Year-2017 Thana- MAHILA PS District- Darbhanga

1. RAJENDRA CHAUPAL @ LAMBU CHAUPAL, aged about 52 years, Male, Son of Late Dularchand Chaupal, Resident of Village- Kanshi, P.S.- Simri, District- Darbhanga
2. Pano Devi, Female, aged about 32 years, Wife of Shatrughan Chaupal, Resident of Village- Kanshi, P.S.- Simri, District- Darbhanga
3. Manju Devi, Female, aged about 45 years, Wife of Rambriksh Chaupal Resident of Village- Kanshi, P.S.- Simri, District- Darbhanga

... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Manish Kumar No. 2, Adv.

For the Opposite Party : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-07-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Mahila (Simri) P.S. Case No. 48 of 2017 for the offences alleged under Sections 452, 354, 376, 511, 324, 323, 326, 225, 504, 506 and 34 of the Indian Penal Code and 4, 8 and 16 of the Protection of Children from Sexual Offences Act.

The accusation is that Mukesh Chaupal and Shiv Shankar Chaupal came at the house of the informant, took her nude photographs in spite of making protest, thereafter, the informant made complaint to the Sarpanch on 26.04.2017. Thereafter, on 1st May, 2017, at about 09.00 a.m., Mukesh Chaupal and Shiv Shankar Chaupal, again, entered in her house, unfolded her clothes and both started committing rape, but, she anyhow raised alarm, then, Rajendra Chaupal, Pano Devi and



Manju Devi came there and started assaulting the victim.

The learned counsel appearing for the petitioners submits that in fact allegation of attempt of rape was made against Mukesh Chaupal and Shiv Shankar Chaupal and the petitioners do not have any concern with the accused persons. The petitioners have no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Mahila (Simri) P.S. Case No. 48 of 2017 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I-cum-Special Judge, Excise (POCSO Act), Darbhanga, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure.

(Rajendra Kumar Mishra, J)

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