

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42561 of 2019

Arising Out of PS. Case No.-2333 Year-2016 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Pankaj Mishra @ Pankaj Kumar Mishra, Son of Chandra Shekhar Mishra Resident of Village-Thatiya, Police Station-Sakra, District-Muzaffarpur.
 2. Govind Mishra @ Govind Kumar Son of Ashok Mishra Resident of Village-Thatiya, Police Station-Sakra, District-Muzaffarpur.
 3. Kamlesh Mahto Son of Late Nageshwar Mahto Resident of Village-Thatiya, Police Station-Sakra, District-Muzaffarpur.
 4. Awadhesh Mahto Son of Late Nageshwar Mahto Resident of Village-Thatiya, Police Station-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Usha Devi, Wife of Sri Abhiram Mishra @ Abhiram Kumar Resident of Village-Thatiya, Police Station-Sakra, District-Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr.Md.Imteyaz Ahmad, Advocate
For the Opposite Party/s :		Mr. A.M.P. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 10-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 2333 of 2016, registered under Sections 147, 323, 504 and 354 of the Indian Penal Code.

The accusation is that on 23.10.2016, complainant, Usha Devi was going to her house from Muzaffarpur, when she



reached near the library situated in village-Rupanpatti then petitioners and one Awadhesh Mahto were seen. At that time, petitioner No.2 carried the informant forcibly at library and laid her on the ground. Thereafter, petitioners No.3 and 4 caught hold her hand and petitioner No.1 tried to commit rape by unfolding her clothes. In the meantime, informant dashed the petitioner No.1, who fell down, on raising alarm nearby people came and accused persons fled away. Since, husband of the complainant is handicapped by leg due to that reason, taking advantage of this fact, petitioners and Awadhesh Mahto tried to develop illicit relation with the complainant.

Learned counsel for the petitioners submits that petitioner no.1 and 2 are the brother-in-law and cousin brother-in-law of the complainant and petitioner Nos. 3 and 4 are purchaser under whose favour the land was sold by the petitioner No.1 and 2. Further submission is that informant lodged the present case with false and concocted story. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate-IV, Muzaffarpur in connection with Complaint Case No. 2333 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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