

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53626 of 2019

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

1. Mukesh Chaupal, Son of Rajendra Chaupal Resident of Village-Kansi, Police Station-Simri, District-Darbhangha.
2. Shiv Shankar Chaupal, Son of Dilip Chaupal Resident of Village-Kansi, Police Station-Simri, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-11-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners seek regular bail in connection with Mahila (Simri) P.S. Case No.48 of 2017, for the offence punishable under Sections 452, 354, 376, 511, 324, 323, 326, 225, 504, 506 and 34 of the Indian Penal Code and Section 4, 8 and 16 of the POCSO Act.

The allegation against the petitioners as per the First Information Report is that they entered into the house of the complainant, removed her cloth and tried to commit rape and as a result, petitioners assaulted the informant.

Learned counsel appearing for the petitioners submits



that both the parties are next door neighbours. Learned counsel further submits that that there is dispute between them relating to drainage and the petitioners have not committed any offence in the manner alleged. Learned counsel further submits that police after investigation did not find the case true under Sections 376 and 511 and has only submitted charge-sheet under Section 341, 323, 354, 504 and 34 of the IPC. Learned counsel further submits that petitioners are in custody since 25.07.2019.

Having regard to the submissions made by the parties and taking into consideration the fact that both the parties are neighbours and the police after investigation has not found the case against the petitioners true under Section 376 and 511 of the IPC, I am inclined to grant regular bail to both the petitioners. Accordingly, let both the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Darbhanga, in connection with Mahila (Simri) P.S. Case No.48 of 2017.

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(Anil Kumar Sinha, J)