

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73116 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- SC/ST District- Siwan

1. Upendra Sah, Son of Nema Sah Resident of Mohalla- Srinagar, Police Station- Siwan Muffasil, District- Siwan.
2. Seema Devi, Wife of Upendra Sah Resident of Mohalla- Srinagar, Police Station- Siwan Muffasil, District- Siwan.
3. Preety Kumari, Daughter of Upendra Sah Resident of Mohalla- Srinagar, Police Station- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha
For the Opposite Party/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-11-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with SC/ST P.S. Case No.16 of 2019 for the offence punishable under Sections 147, 149, 323, 452, 354, 504, 506 of the Indian Penal Code.

The accusation is that in course of going to school, Bhola Sao used to tease the informant, when informant made protest then threatening was given to kidnap her. Thereafter, informant informed to her mother, Bibha Devi, who made complaint. Thereafter on 23.08.2018, petitioners and two others



named in complaint petition entered in her house and assault her mother. Thereafter her mother made complaint at police station Siwan Mufasail. Again on 08.07.2018 at about 9.00 P.M., petitioner and two others named in the complaint petition entered into the house of the informant. When protest was made, then Bhola Sao, Sati Sah gave threatening and caught hold her hands and started outrage her modesty and made attempt to commit rape, but in the meantime, her mother and brother reached.

Learned counsel for the petitioners submits that in fact Garju Sao executed the deed of will in favour of mother of the informant and also in favour of co-accused Bhola Sao. Due to that reason, the mother-informant lodged the complaint case, only to give undue pressure which is the basis of present case. More so while the petitioners are named in the FIR, but no specific overt act has been attributed against them. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner No.1-Upendra Sah, petitioner No.2-Seema Devi and petitioner No.3-Preeti Kumari, be released on bail, in the event of 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) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge, Siwan, in connection with SC/ST P.S. Case No.16 of 2019, subject to the condition as laid down under Section 438 (2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

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