

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74099 of 2019

Arising Out of PS. Case No.-173 Year-2017 Thana- PAKRIDAYAL District- East Champaran

1. RAMA NAND SAH Son of Dhenuk Sah @ Dhenukh Sah @ Dhanuk Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
2. Bhola Sah @ Bhola Kumar Son of Prabhu Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
3. Parma Nand Sah @ Prama Nand Sah Son of Dhenuk Sah @ Dhenukh Sah @ Dhanuk Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
4. Radha Kishore Sah @ Radha Sah Son of Dhenuk Sah @ Dhenukh Sah @ Dhanuk Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
5. Dhenuk Sah @ Dhenukh Sah @ Dhanuk Sah Son of Late Thakuri Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
6. Kishore Sah @ Kishun Sah @ Kishuni Sah Son of Late Janak Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
7. Raman Puri Son of Late Shankar Puri Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
8. Ganesh Sahani Son of Late Yugeshwar Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
9. Binod Sah Son of Sita Ram Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
10. Suraj Sah @ Suraj Kumar Son of Jawahir Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
11. Dharmendra Sah Son of Late Bindeshwari Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
12. Rajeshwar Sah Son of Late Satya Narayan Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
13. Uma Shankar Sah @ Uma Sah Son of Late Gopal Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.
14. Sobindera Sah @ Sobinder Sah Son of Late Satya Narayan Sah Resident of Village-Babhan Toli, Chaitya, Police Station-Pakari Dayal, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :



For the Petitioner/s : Mr.Dhurendra Kumar
For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 21-01-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners apprehend their arrest in a case registered under Sections 147, 148, 149, 323, 341, 354(B), 325, 427, 307 of the Indian Penal Code.

Informant has alleged in her written complaint that on 28.10.2017 in the night at about 10:00 PM when she had gone outside of the house to attend the call of nature, FIR named accused on the instigation of Ram Babu Sah assaulted and disrobed her and also outraged her modesty, as a result of which she suffered fracture injuries and head injuries. On alarm being raised her husband Ramdev Sah, brother in law Shiv Sah and son Rakesh Sah, Dinesh Sah and Rupesh Sah came to rescue her, however, they were also assaulted by the FIR named accused and Rakesh Sah suffered fracture injury.

It has been submitted on behalf of the petitioners that allegations against all FIR named accused is general and omnibus and there is no specific allegation of any overt act against any of the accused. It has been further submitted that after investigation police did not find case to be true against



petitioners and submitted final form, however, differing with the opinion of the police, court has taken cognizance against petitioners and issued summons for their appearance. Petitioners have no criminal antecedents.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Pakri Dayal P.S. Case No. 173 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

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