

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32106 of 2020

Arising Out of PS. Case No.-130 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. RAM BRIKSH SAH, S/o Late Khushi Sah, Resident of Village-Thumma, P.S.-Runni Saidpur, District-Sitamarhi
2. Sunil Sah, S/o Ram Briksh Sah, Resident of Village-Thumma, P.S.-Runni Saidpur, District-Sitamarhi
3. Ram Ekbal Sah, S/o Basudeo Sah, Resident of Village-Thumma, P.S.-Runni Saidpur, District-Sitamarhi
4. Dinesh Sah, S/o Yogi Sah, Resident of Village-Thumma, P.S.-Runni Saidpur, District-Sitamarhi
5. Raghunath Sah, S/o Basudeo Sah, Resident of Village-Thumma, P.S.-Runni Saidpur, District-Sitamarhi
6. Deo Narayan Sah S/o Late Ramdeo Sah Resident of Village-Thumma, P.S.-Runni Saidpur, District-Sitamarhi.
7. Yogi Sah, S/o Late Ramdeo Sah, Resident of Village-Thumma, P.S.-Runni Saidpur, District-Sitamarhi
8. Deva Sah @ Neva Sah, S/o Yogi Sah, Resident of Village-Thumma, P.S.-Runni Saidpur, District-Sitamarhi
9. Lal Bahadur Sah, S/o Late Ramdeo Sah, Resident of Village-Thumma, P.S.-Runni Saidpur, District-Sitamarhi

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners	:	Mr. Vaidehi Raman Prasad Singh, Adv.
For the State	:	Mr. A.M.P. Mehta, APP
For the Informant	:	Mr. Ashok Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 22-02-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 26.11.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the state as well as learned



counsel for the informant.

The petitioners seek pre-arrest bail in connection with Runni Saidpur P.S. Case No. 130 of 2020, registered under Sections 147, 341, 323, 324, 354(B) and 307 of the Indian Penal Code and 8 of the Protection of Children from Sexual Offences Act, 2012.

The accusation is that 11.03.2020, Ranju Kumari, niece of the informant, Nagendra Mahto, and Lalita Kumari, daughter of neighbour, Ramji Mukhiya, were entertaining the festival of Holi, at that time, the informant, Nagendra Mahto, heard their cry, then, reached there and saw that Bhola Sah, son of Ram Briksh Sah (petitioner no. 1), was caught hold both the girls with intention to commit rape and had turned their clothes. On seeing the informant, Bhola Sah fled away. On next day, informant with both the girls went at the house of Bhola Sah, where 11 persons, named in the first information report, including the petitioners, started to cause assault, Bhola Sah gave sword blow at his head, he raised alarm on which Anup Mahto and Parikchan Mahto came to their rescue, then, they were also assaulted. Later on, the informant, Nagendra Mahto rushed to hospital for treatment.

Submission is that it would appear from the first



information report that allegation of attempt to rape is against Bholu Sah, son of Ram Briksh Sah (petitioner no. 1) and no specific overt act has been attributed against the petitioners in the whole first information report. The petitioners have no criminal antecedent.

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 Runni Saidpur P.S. Case No. 130 of 2020 shall be released on 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-cum-Special Judge, POCSO Act, Sitamarhi, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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