

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10853 of 2016

Arising Out of PS.Case No. -152 Year- 2015 Thana -MOHAMMADPUR District- GOPALGANJ

1. Prabha Devi wife of Raj Kumar Ram @ Raj Kumar
2. Vijay Ram S/o Babu Lal Ram
3. Babu Lal Ram S/o Late Shobha Ram All resident of village Mohamad
Pur, P.S. Mohamad Pur, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. Jitendra Kumar Roy-I(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 23-05-2016 Heard the Counsel for the petitioners and the APP for the
State.

Apprehending his arrest in Mohammadpur P.S. Case No.
152 of 2015 registered under sections 323, 307, 384, 379, 504 and
120B of the Indian Penal Code, the present application for bail has
been filed on behalf of the three petitioners who are named in the
First Information Report.

The complainant-informant alleged that while he was
returning from the house of Chandrika Sharma, the accused
persons intercepted and caught hold of him, tied his legs and
mouth and started mercilessly assaulting him until he became
senseless. When he gained sense, he found himself in the captivity
of the accused. Co-accused Raj Kumar Ram is alleged to have

amputated his penis by knife. Later, he was shifted to the hospital whereafter complaint was filed which was treated as F.I.R..

Contention of the petitioner is that another complaint was filed by the wife of accused Raj Kumar Ram against the petitioners and others for having made an attempt to commit sexual assault on her. In the said attempt, the informant was beaten.

Learned APP opposed the prayer and submitted that the allegation is of mercilessly beating the complainant-informant and imputing his sexual organ. In course of investigation, witnesses have supported the prosecution case.

Considering the allegation levelled in the F.I.R. and the other materials reflected from the record including the impugned order, I am not inclined to extend the privilege of anticipatory bail to petitioner nos. 2 (Vijay Ram) and 3 (Babu Lal Ram). Prayer for bail made on their behalf is rejected.

Petitioner no. 1 namely Prabha Devi being a lady and also an alleged victim of Annexure-2 is, however, granted the privilege of anticipatory bail. In the event of arrest or surrender in the Court below within four weeks, she is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of learned Chief Judicial Magistrate, Gopalganj in Mohammadpur P.S. Case No. 152 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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