

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24623 of 2017

Arising Out of PS.Case No. -469 Year- 2015 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Krishna Patel Son of Deoki Patel
2. Dhuran Patel Son of Sihasan Patel
3. Rupesh Patel Son of Birbahadur Patel
All are Resident of Village- Roshanpur Saphan, Police Station- Sugauli,
Distt- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Adv.
For the Opposite Party/s : Mr. V.N.Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-06-2017 Heard Mr. Sanjay Kumar No.-7, learned counsel for
the petitioners and Mr. V.N.Pandey, learned A.P.P. for the State.

Petitioners are apprehending their arrest in
connection with Sugauli P.S. Case No. 469 of 2015 registered for
offences under sections 341, 323, 324, 307, 376(D), 363/34 of the
Indian Penal Code and section 6 of the POCSO Act.

Learned counsel for the petitioners has placed the
First Information Report as contained in Annexure-1 to this
application and submits that so far as the allegations of giving
allurement to the victim girl and then of committing rape, are
specifically made against three accused persons, namely, Ratan



Patel, Parshuram Patel and Rakesh Patel. Thereafter, the allegation of assault is made against Dhuran Yadav on the order given by Krishna Patel.

So far as Rupesh Patel (petitioner no. 3) is concerned, there is no allegation that he was present either at the time of rape or when the assault took place. He further submits that the matter has been compromised between the parties and there is no injury as alleged.

Learned A.P.P. opposed the prayer for bail and submitted that in the fact and circumstance, the accused may be directed to surrender before the court below for regular bail.

Considering the nature of allegations and fact that there is no allegation of presence of Rupesh Patel (petitioner No. 3) as appearing from the First Information Report, I am inclined to grant the privilege of anticipatory bail to petitioner no. 3.

Let petitioner no. 3 Rupesh Patel, in the event of arrest or surrender before the court below within a period of four weeks, be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, East Champaran at Motihari/Successor Court in connection with Sugauli P.S. Case No. 469 of 2015, subject to the condition



as laid down under section 438 (2) of the Criminal Procedure Code.

So far petitioner nos. 1 and 2 are concerned, I am not inclined to grant privilege of anticipatory bail to them and accordingly, their prayer is rejected. However, if they surrender in the court below within four weeks from today and file an application for regular bail, the court below shall consider the entire materials available on record and shall pass an order on its own merit.

(Rajeev Ranjan Prasad, J)

Mahesh/-

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