

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32873 of 2018

Arising Out of PS. Case No.-540 Year-2017 Thana- AHIAPUR District- Muzaffarpur

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1. Laxmi Rai @ Laxmi Yadav, S/o Sakaldev Rai @ Sakaldev Prasad Yadav,
 2. Ram Bali Rai S/o Devaki Rai,
 3. Vikash Kumar S/o Lal Babu Rai, All R/o Vill.- Najirpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Dr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Ahiyapur P.S. case no.
540 of 2017 instituted for the offence under Section(s)
341,342,120B, 365, 354(A), 376 and 511 of the Indian Penal
Code .

In the written report, it is alleged that while the informant
was returning with her mother petitioner no.1 forcibly took away
the informant inside the Scorpio vehicle and tied her mouth with
her Dupatta. It is alleged that other accused persons including
petitioner nos.2 and 3 were also sitting in the aforesaid Scorpio
vehicle. It is further alleged that petitioner brought the informant
to the back side of Medical college at a lonely place and



committed illegal act with her and also torned her cloths. It is further alleged that petitioner no.1 assaulted the informant on her head with Fatha causing bleeding injury. It is further alleged that petitioner no.1 always wanted to commit illegal act with the informant and other accused persons also support him.

Learned counsel for the petitioner has submitted that F.I.R. has been lodged after four days of the alleged occurrence. There is no injury report of the informant.

There is specific allegation against petitioner no.1 of committing illegal act with informant. Therefore, this Court is not inclined to grant anticipatory bail to petitioner no.1. Prayer for anticipatory bail of the petitioner no.1 stands rejected.

Petitioner no.1 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

So far petitioner nos. 2 and 3 are concerned, there is general and omnibus allegation against them..

In the facts and circumstances of the case, prayer of the petitioner nos. 2 and 3 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner nos. 2 and 3, named above, within six weeks from today in connection with Ahiyapur



P.S. case no. 540 of 2017 , they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the CJM Muzaffarpur, subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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