

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74701 of 2019

Arising Out of PS. Case No.-637 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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1. RANJEET KUMAR CHAUBEY @ RANJEET KUMAR CHOBAY Son of Ramkrishna Chaubey Resident of Village - Nawada, Amba, Govindganj, Distt - Motihari (East Champaran)
 2. Rustam Alam Son of Jahangir Alam Resident of Village - Nawada, Amba, Govindganj, Distt - Motihari (East Champaran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 18-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in Kanti P.S. Case No. 637 of 2019, dated 27.8.2019, registered under Sections 342, 354(A), 354(B), 506 of Indian Penal Code and 37(c) of the Bihar Prohibition and Excise Act, 2016.

I have heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

From the record, it can be inferred that both the complainant as also the petitioners were known to each other from before. In fact, the letters exchanged between the



complainant and petitioner No.1 Ranjeet Kumar Chaubey @ Ranjeet Kumar Chobay reveals that there was intimacy and relationship between the two. On 25th of August, 2019, prosecutrix got registered a complaint against the present petitioners alleging that she was forcibly made to sit in a vehicle with an intent of teaching her a lesson whereafter in a drunken condition, she was threatened and intimidated and her modesty outraged.

Well, in the complaint, the prosecutrix did not disclose her relationship with petitioner No.1. Also it appears that such relationship has been strengthened over a period of time. According to the petitioners, prosecutrix had expressed her desire to get married and only when petitioner No.1 refused to do so instantly, the complaint was lodged out of revenge.

It is seen that both the petitioners are students and are suffering incarceration since 28th of August, 2019.

Prima facie, in the attending facts and circumstances of the case, the petitioners have made out a case for grant of bail.

Prima facie, nothing is produced to highlight petitioners' direct involvement in the crime.

It is submitted by learned counsel for the petitioners



that the petitioners have roots in the society; are not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; are behind bars since 27.8.2019; no further recovery is to be made from the petitioners nor any custodial interrogation is required and the petitioners have fully cooperated in the investigation.

Possibility of false implication as is so alleged by the petitioners cannot be ruled out. Also, thus far save and except for naming the petitioners in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioners in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kanti P.S. Case No. 637 of 2019, on the following conditions:-

(i) That one of the bailors of the petitioners shall be



their close relative.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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