

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31534 of 2020

Arising Out of PS. Case No.-172 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

1. AJAY SAHANI S/o Kishori Sahani Resident of Village-Ghosout, P.S.-
Siwaipatti, District-Muzaffarpur.
2. Sanjay Sahani S/o Kishori Sahani Resident of Village-Ghosout, P.S.-
Siwaipatti, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2021 At the outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition with regard to petitioner no. 1, as during pendency of this case, petitioner no. 1 has already been arrested.

Prayer is allowed. The anticipatory bail petition with regard to petitioner no. 1 is dismissed as withdrawn having become infructuous.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in Siwaipatti P.S. Case No. 172 of 2019, registered for the offences punishable



under Sections 341, 323, 354(B), 354(C), 376 and 511 of the Indian Penal Code.

Prosecution case in brief is that co-accused Ajay Sahani caught the informant and laid her on the bed and tried to commit rape with her and this petitioner is alleged to have assaulted her by fist and slaps causing scratch injury to her.

It is submitted that specific allegation of assault and attempt to commit rape is against other co-accused Ajay Sahani. So far as petitioner no. 2 is concerned, there is only allegation of assault by fist and slap causing scratch to the informant. Moreover, FIR has been lodged after ten days of the occurrence without any plausible explanation. Petitioner has got clean antecedent, as stated in para 3 of the petition.

Considering the facts aforesaid, Sanjay Sahani petitioner no. 2, in the event of his arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Muzaffarpur in connection with Siwaipatti P.S. Case No. 172 of 2019, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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