

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36297 of 2020

Arising Out of PS. Case No.-310 Year-2020 Thana- MAHUA District- Vaishali

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1. JAI PRAKASH RAI S/o Kapil Rai, Resident of Village- Gorigama (Gorigawan), P.S.- Mahua, Distt- Vaishali at Hajipur.
 2. RAJ KUMAR RAI S/o Kameshwar, Rai Resident of Village- Gorigama (Gorigawan), P.S.- Mahua, Distt- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Chandra, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-04-2021 Heard both sides through Video Conferencing.

The petitioners apprehend their arrest in Mahua P.S.
Case No.310 of 2020 registered under Sections 376, 511, 323,
379 and 34 of the Indian Penal Code.

The informant (victim) alleged that she went outside her house to attend the call of nature but Jai Prakash Rai (petitioner no.1) and Raj Kumar Rai (petitioner no.2) caught her, who were present there from before in the field and they untied her clothes. On alarm, the brother-in-law and others came. When the brother-in-law of the informant went to complain, the accused persons assaulted him and also snatched ornaments from the sister-in-law of the informant.



Learned counsel for the petitioners submits that on the same day from the side of the petitioners, Mahua P.S. Case No.309 of 2020 was registered. There was some dispute with regard to the measurement of the land. The petitioners are next door neighbours and that is why they have falsely been implicated in the case, but it appears from the face of the record that the informant (victim) made allegation that both the petitioners made an abortive attempt to outrage her modesty while she had gone to attend the call of nature.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, the learned court below shall consider the prayer for regular bail of the petitioners on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

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