

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11977 of 2021

Arising Out of PS. Case No.-3 Year-2020 Thana- TAJPUR District- Samastipur

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1. SURANDAR RAY SON OF LATE PARITAR RAY R/O VILLAGE-SARANGPUR, P.S.- TAJPUR, DISTRICT- SAMASTIPUR.
 2. SUKESH RAY SON OF SURENDRA RAY R/O VILLAGE-SARANGPUR, P.S.- TAJPUR, DISTRICT- SAMASTIPUR.
 3. MUKESH RAY SON OF SURENDRA RAY R/O VILLAGE-SARANGPUR, P.S.- TAJPUR, DISTRICT- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-11-2021 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case in connection with Tajpur Halai P.S. Case No.03 of 2020, registered for the offence punishable under Sections 314, 316, 323, 420, 493, 504 of the IPC and sections 4, 6 and 8 of the POCSO Act, 2012.

The prosecution case, in short is that one Viveka Kumar,



for the last one and half years has been sexually harassing the complainant's daughter and on objection, threatened to make her video viral. On 10.08.2019, it came to light that the complainant's daughter is pregnant. Thereafter, the complainant and her family members went to the house of accused persons then petitioner no.2 assaulted her daughter on her stomach.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. There is no specific allegation against the petitioners. The entire family members of Viveka Kumar have been made accused in the complaint case. Two similarly situated co-accused have been granted anticipatory bail vide Cr. Misc. No.932 of 2021 dated 26.10.2021 by a co-ordinate Bench of this court. The petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that petitioners are named in the FIR and there is specific allegation against all the accused persons and only the female co-accused have been granted anticipatory bail.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioners named above.



The anticipatory bail application is accordingly,
dismissed.

However, the petitioners are directed to surrender before
the learned court below and seek regular bail.

The learned trial court is directed to consider and dispose
of the case of the petitioners on the same date, in accordance
with the merits of the case, without being prejudiced by the
dismissal of this case.

(Anjani Kumar Sharan, J)

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