

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12126 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- JALALGARH District- Purnia

1. SHIV CHARAN RISHI @ SHIV NARAYAN RISHI S/o- SADANAND RISHI Resident of Hardhandrapur, P.S.- Jalalgarh, Distt- Purnea.
2. PRABHU KUMAR RISHI S/o- BECHAN RISHI Resident of Hardhandrapur, P.S.- Jalalgarh, Distt- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Adv.

For the Opposite Party/s : Mr.Md.Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-01-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within a period of four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within the undertaken time, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case in connection with Jalalgarh P.S. Case No.120 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 354 (A), 354(B), 385, 504 and 506 of the IPC.

The crux of the prosecution case is that on 14.09.2020, the informant was taken to temple by her parents for her



engagement. In the meantime 8 named accused persons came and started abusing the informant's side. It is alleged that they threatened to perform the marriage of the informant with the boy with whom the marriage was fixed earlier or else the informant would be killed. They dragged her in a room and tried to kill her. Petitioners tore her clothes and tried to commit rape upon on her. When her parents came to rescue, the accused persons assaulted them with lathi and rod.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. They have been falsely implicated in this case due to village politics. There is a political dispute between the parties. No independent witness has supported the prosecution case. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. As per the injury report, the injuries are simple in nature. It is further submitted that other similarly situated co-accused persons have already been granted anticipatory bail by the learned court below itself. The petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned counsel for the State opposed the prayer for bail by submitting that there is specific allegation against the



petitioners, as such, they may not be granted the privilege of anticipatory bail.

Considering the submissions of the parties and the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners named above. As such, the prayer for grant of anticipatory bail to the petitioners is rejected.

Accordingly, the instant anticipatory bail application is hereby dismissed.

(Anjani Kumar Sharan, J)

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