

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7864 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- NADI P.S. District- Patna

1. JAILAL RAI Son of Late Ganesh Rai Resident of Village - Jethuli, Police Station - Nadi, District - Patna.
2. Laldeo Rai Son of Late Hari Nath Rai Resident of Village - Jethuli, Police Station - Nadi, District - Patna.
3. Vijendra Rai Son of Late Jai Lal Rai Resident of Village - Jethuli, Police Station - Nadi, District - Patna.
4. Bhushan Rai Son of Jai Lal Rai Resident of Village - Jethuli, Police Station - Nadi, District - Patna.
5. Satyendra Rai Son of Jai Lal Rai Resident of Village - Jethuli, Police Station - Nadi, District - Patna.
6. Roushan Kumar Son of Jai Lal Rai Resident of Village - Jethuli, Police Station - Nadi, District - Patna.
7. Subhash Rai Son of Laldeo Rai Resident of Village - Jethuli, Police Station - Nadi, District - Patna.
8. Anjay Kumar Son of Laldeo Rai Resident of Village - Jethuli, Police Station - Nadi, District - Patna.
9. Santosh Kumar Son of Laldeo Rai Resident of Village - Jethuli, Police Station - Nadi, District - Patna.
10. Vishwanath Rai Son of Late Nanda Rai Resident of Village - Jethuli, Police Station - Nadi, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Kumari, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 307, 354(A), 379 and 34 of the Indian Penal



Code.

Learned counsel for the petitioners submits that the petitioner nos. 1, 2, 4, 6, 7 and 10 have antecedent of two cases, petitioner nos. 3 and 5 have antecedent of three cases and petitioner nos. 8 and 9 have antecedent of one case and the informant alleges that on 28.02.2021 at 5:00 PM, while she was washing dishes when 10-12 accused persons, including the petitioners, entered her house and at gun point attempted to rape her and on opposition started assaulting and abusing her, it is next alleged that accused persons searched gold ornaments and further took all jewellery, money and valuables kept in the box and fled away, it is also alleged that accused persons assaulted Siddhu Kumar and three others who came to save the informant with butt of pistol, iron rod, *farsa*, stick and *lathi* and injured her and further attempted to kill the victim while he lay unconscious on the ground.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that if 10-12 persons had entered the house of the informant and they intended to commit rape then definitely the informant could not have opposed them for the reason that the accused could have



easily over-powered her, it is next submitted that it amply demonstrates that the petitioners have been falsely implicated and with a view to make the allegation more grave such false allegation has been alleged, it is also submitted that as far as allegation of assault is concerned, the same is also general and omnibus in nature, and as far as snatching of gold ornament is alleged, the same is ornamental in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nadi P.S. Case No. 34 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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