

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25200 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- MAHILA PS District- Jamui

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1. SURESH PANDIT SON OF LATE JAGO PANDIT R/O VILLAGE-GARHI, P.S.- KHAIRA, DISTRICT- JAMUI.
 2. JAYHIND PANDIT SON OF BABULAL PANDIT R/O VILLAGE-KAKAN, P.S.- JAMUI, DISTRICT- JAMUI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-01-2022 Heard learned counsel for the petitioners, learned counsel for the Informant and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defect(s) as pointed out by the office when called upon to do so by the office.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 457, 376, 511, 504 and 506/34 of the Indian Penal Code.

It is a case of outrage the modesty and attempt to commit rape upon the informant.

It is submitted by learned counsel for the petitioners



that the petitioners have falsely been implicated in this case. He further submits that earlier the petitioner no.1, namely, Suresh Pandit had filed a *Sanha* vide Sanha No.537 dated 04.03.2020 stating that the informant and her associates were giving threatening to implicate in a false and fabricated case, as such, it creates serious doubt upon the prosecution. A copy of aforesaid Sanha is annexed as Annexure-3 to the petition.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

From perusal of this written petition, it appears that informant, Runita Devi has made assertion in two parts- first part is that petitioners began to commit rape then she raised *Hulla* , thereafter her Nanand and mother-in-law came and saved her modesty and in second part, she stated that if her Nanand and mother-in-law could not come there both the petitioners would have committed rape upon her. As such, there appears to be controversial version made by the informant in her FIR.

In the facts and circumstances of the case, let the petitioners, above named in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds



of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Jamui in connection with Jamui Mahila P.S. Case No. 48 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

brajesh kumar/-

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