

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36965 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- AANDAR District- Siwan

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1. ARJUN SINGH S/o Jamadar Singh R/o village- Garar, P.S.- Andar, District- Siwan
 2. RISHU SINGH S/O VINOD SINGH R/o village- Garar, P.S.- Andar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-07-2022 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 341, 323, 376, 511, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and are young man and boy.

The informant alleges that accompanied with her two sisters, she went to see her field where petitioners along with Sonu Kumar Chaurasia were present from before and on seeing the informant and his sisters, they started teasing them by using obscene words. When the informant protested, they tore her



clothes and started assaulting her and all the three accused even attempted to commit rape but on hearing Hulla, the mother of petitioner no. 1 along with his sister and wife of Kasinath Singh came and they also assaulted the informant and her sisters by means of lathi, danda and rod alleging that why she made complaint about teasing by the petitioners. It is alleged that Arjun Singh threatened if any report is lodged, they will be killed the informant, her mother and father.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and the informant and the petitioners are agnates. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no reason or motive for the occurrence has even been remotely suggested. It is also submitted that there is no injury report on the record and only to give serious colour to the case, false allegation of attempt to rape has been lodged. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation against the petitioners and Sonu Kumar Chaurasia is identical. It is next submitted that Sonu Kumar Chaurasia has been granted anticipatory bail vide order dated 11.08.2021 passed in Cr. Misc. No. 27640 of 2021. Learned counsel further



submits that during the course of investigation also the informant did not appear before the police so that her statement under Section 164 Cr.P.C. could be recorded nor her medical was done.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners but after going through the case diary very fairly submits that the statement of the informant under Section 164 Cr.P.C. has not recorded nor there is any injury report on the record.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Aandar P.S. Case No. 68 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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