

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29980 of 2022

Arising Out of PS. Case No.-278 Year-2019 Thana- LAXMIPUR District- Jamui

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1. SANTOSH KUMAR SON OF LATE SHIV NARAYAN SAH R/O VILLAGE- LAXMIPUR, P.S.- LAXMIPUR, DISTRICT- JAMUI
 2. RAJIV KUMAR @ RAJEEV KUMAR SON OF LATE SHIV NARAYAN SAH R/O VILLAGE- LAXMIPUR, P.S.- LAXMIPUR, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rabi Bhushan
For the Opposite Party/s :	Mr.Jitendra Kumar Singh
	Mr.Kumar Kamal Nayan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-09-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 354(B), 379, 448, 307/34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per F.I.R., petitioners alongwith co-accused Sanjay Suman entered into the house of informant and tried to commit rape upon her and when they could not succeed, they assaulted informant and her daughter.

It is submitted on behalf of petitioners that present case is counter blast of Laxmipur P.S. Case No. 277 of 2019, which was lodged by wife of petitioner no. 1 against informant and others. Petitioners are own cousin brother-in-law (*Devar*) of the informant. Petitioner no. 2 is handicapped with 50 %



disability and suffering from paralysis in hands. Admittedly, there is land dispute between the parties, for which, title suit, vide Title Suit No. 36 of 1998, is pending in the court of learned Munsif, Jamui. Allegation is general and omnibus.

However, learned counsel for the informant vehemently opposed the bail petition and submitted that during course of investigation, court below has taken cognizance under Section 376/511 with other sections of I.P.C. and Section 18 of the POCSO Act.

Considering the backdrop of the case, in which alleged occurrence took place, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on 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 Addl. Sessions Judge – I, Jamui in connection with Laxmipur P.S. Case No. 278 of 2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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