

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35592 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- RASULPUR District- Saran

1. RAVINDRA SINGH @ RAVINDRA KUMAR Son of Sanchan Mahato @ Sanchan Singh Resident of village - Atarsan, P.S.- Rasulpur, District - Saran at Chapra.
2. Ritesh Singh @ Ritesh Kumar Singh Son of Sanchan Mahato @ Sanchan Singh Resident of village - Atarsan, P.S.- Rasulpur, District - Saran at Chapra.
3. Sanchan Singh @ Sanchan Mahto Son of Late Banarsi Singh @ Banarsi Mahato Resident of village - Atarsan, P.S.- Rasulpur, District - Saran at Chapra.
4. Ram Kishore Singh Son of Late Banarsi Singh @ Banarsi Mahato Resident of village - Atarsan, P.S.- Rasulpur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioners, and learned APP for the State as well as learned counsel for the informant through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioners are an accused in connection with Rasulpur P.S. Case No. 80 of 2022 under Sections 147, 148, 341, 323, 324, 307, 354(B), 448, 120(B) and 379 of the Indian Penal Code.



As per the prosecution story, it is alleged that when the informant's daughter was sleeping inside the house, the accused persons entered variously armed and tried to outrage her modesty. Upon alarm, when they came to rescue, it is alleged that they were assaulted. His further allegation is that the ladies from the petitioner's side snatched the chain of wife and sister-in-law of the informant. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submits that the injury report has been annexed as Annexure-2 to the bail application which shows the same was simple in nature and as per his information, the cognizance has also not been taken under Section 307 of the Indian Penal Code. He further submits that so far as Sections 354(B) and 377 of the Indian Penal Code are concerned, they have just been incorporated to make the case graver. He narrates that the reason behind all these are that the victim girl has married the son of the petitioner no. 3 and wants to live with her which is leading to animosity between the parties. His last submission is that all of them are in custody since 01.04.2022.

Per contra, learned counsel for the informant submits that for the same reason of the marriage between the victim girl



and the son of the petitioner no. 3, the accuseds who are of criminal mind set keep on assaulting the family members of the informant and as such, they do not deserve bail.

Be that as it may, the injury report shows that the same has been found to be simple in nature and as per the statement made by the learned counsel for the petitioner not refuted by the learned counsel for the informant the cognizance has not been taken under Section 307 of the Indian Penal Code and they are in custody since 01.04.2022, this Court is inclined to grant them privilege of bail in view of the fact that they have no criminal antecedent.

If however, it is found that any of the statement made in the bail application or the submission of the learned counsel for the petitioners is/are false, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of In-charge Judicial Magistrate 1st Class, Saran at Chapra in connection with Rasulpur P.S. Case No. 80 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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