

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37760 of 2022

Arising Out of PS. Case No.-289 Year-2020 Thana- AWTARNAGAR District- Saran

1. Prashant Kumar Rai Son Of Upendra Kumar Ray R/O Village-Nayatolaharji, P.S.- Awatarnagar, Distt.- Saran At Chapra
2. Aman Kumar Rai @ Aman Rai Son Of Upendra Kumar Ray R/O Village-Nayatolaharji, P.S.- Awatarnagar, Distt.- Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-11-2022 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 376 and other allied sections of the Indian Penal Code.

Prosecution case in brief is that on the alleged date and time of occurrence, while the informant was sleeping in her house alone, co-accused Hariom Kumar Ray entered in her house and tried to commit rape with her. On alarm, he fled away and when the informant went at the house of the said co-accused to make complain upon which all the accused persons including petitioners assaulted her.

It is submitted that due to land dispute between the



parties, petitioners have been falsely implicated in this case. Petitioners and their family members have been made accused in this case. During investigation, the Supervising authority has found the case true under Sections 341, 323, 354, 504/34 of the Indian Penal Code and not found the case true under Sections 448, 324, 376/511 of the IPC. Petitioners claim clean antecedents.

Counsel for State however vehemently opposed the prayer for bail.

Considering the facts aforesaid and the fact that there is land dispute between the parties, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Saran at Chapra in connection with Awatarnagar P.S. Case No. 289 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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