

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59736 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- DEWARIA District- Muzaffarpur

1. Moti Lal Rai, Son of Late Chanardeo Rai, Resident of Village- Muza Bangra, P.S.- Deoria, Distt.- Muzaffarpur.
2. Ram Narayanan Rai @ Ram Narayanan Ray, Son of Moti Lal Rai, Resident of Village - Muza Bangra, P.S.- Deoria, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Deoria P.S. Case No. 46 of 2021 for the offences punishable under Sections 341, 323, 354, 312, 504, 506/34 of the Indian Penal Code and Sections 3/4 of the Prevention of Witch (Daain) Practices Act.

As per prosecution case, the petitioners along with other F.I.R. named accused came at the house of the informant



and thereafter, forcibly got her seated in Bolero vehicle and took her to unknown house where allegedly the informant was tied, made naked, abused and committed assault on her due to which abortion has also taken place.

It is submitted on behalf of learned counsel for the petitioners that the alleged occurrence took place on 06.03.2021, but the present F.I.R. has been instituted on 27.03.2021, after a delay of 21 days, without there being any plausible explanation. It is further submitted that there is general and omnibus allegation against all the accused persons and the petitioners have been implicated in this case on account of village politics. It is next submitted that these petitioners have got no criminal antecedent and are in judicial custody since 28.06.2021 and there is no chance of their absconding and tampering with the evidence. It is next submitted that the co-accused, having similar allegation, has already been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 47977 of 2021 vide order dated 22.11.2021, a copy of which has been produced before this Court, which is taken on record.

On the other hand, learned APP for the State opposes the bail application.

Having heard the learned counsel for the parties and



taking into consideration the fact that there is delay in lodging the F.I.R. and no specific allegation of any overt act has been attributed against these petitioners and one of the co-accused, having similar allegation, has been granted bail by a coordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, (West) Muzaffarpur in connection with Deoria P.S. Case No. 46 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial. (ii) They will remain present on each and every date of trial till disposal of the case. (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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