

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59238 of 2021

Arising Out of PS. Case No.-183 Year-2019 Thana- BHAGWAN BAZAR District- Saran

PAMPI RAI @ BABLU RAI Son of Mogal Rai R/o Village- Chhota
Brahmapur, Satgharwa, P.S.- Bhagwan Bazar, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

The petitioner seeks regular bail in connection with
Bhagwan Bazar Police Station Case No. 183 of 2019 registered
for the offences punishable under Sections 323/452/380/376/
511/384/307/504/506/34 of the Indian Penal Code 1860 and
Section 27 of the Arms Act.

The prosecution case, as per the complaint -cum- First
Information Report of one Putul Devi, is that the petitioner,
along with other accused persons, total nine in numbers, entered
into the house of the informant and resorted to firing and,
thereafter, the petitioner, along with three other accused persons,
tried to commit rape upon the informant and tore the cloth worn
by the informant.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village rivalry and he has not committed any offence in the manner alleged. He next submits that the allegation against the petitioner, along with three other accused persons, is general and omnibus in nature and there is delay in lodging the complaint inasmuch as according to the complaint lodged by the complainant -cum- informant, the alleged occurrence had taken place on 28.03.2019, but the complaint has been filed, after an inordinate delay, on 10.04.2019. He further submits that similarly situated co-accused, Guddu Kumar Choudhary, has been granted bail by this Court, vide order, dated 13.05.2022, passed in Criminal Misc. No. 54012 of 2021. He further submits that the petitioner is in custody since 03.06.2021 and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made by the parties and taking into consideration the materials on record and the fact that both the parties are co-villagers, there is general and omnibus allegation against the petitioner, similarly situated co-accused person has been granted bail by this Court, the



complaint -cum- First Information Report has been lodged after an unexplained delay, the petitioner is in custody since 03.06.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Bhagwan Bazar Police Station Case No. 183 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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