

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60724 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- DHANSOI District- Buxar

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Ramyash Singh @ Ramji Singh Son of Sri Vigan Singh Resident of -
Sujayatpur, P. S.- Dhansoi, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate.
For the State	:	Mr. Shaheen Begum, APP.
For the Informant	:	Mr. Sanjay Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Dhansoi P. S. Case No. 28 of 2021 registered for the offences punishable under Sections 147, 341, 323, 307, 326, 506 and 377 of the Indian Penal Code subsequently Section 379 of the Indian Penal Code and Section 27 of the Arms Act have been added.



As per the prosecution case, it is alleged that on 16.02.2021, the informant went to village Sujatpur to meet a girl and when he was standing near the school, in the meantime, the father of the girl, namely, Amresh Rai and other family members surrounded him and they all started assaulting with *lathi* and *paina*. It is further alleged that the Amresh Rai and his other associates with intention to kill, hit the informant on his head due to which the informant fell down, thereafter, all the accused persons climbed on the informant and tried to enter *Paina* in his private part (anus).

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. and no specific allegation has been leveled against any accused person except the father of the girl, namely, Amresh Rai. A supplementary affidavit has been filed, wherein, it has been submitted that prior to the institution of this F.I.R., the father of the girl had instituted Dhansoi P. S. Case No. 27 of 2021 registered for the offences punishable under Sections 341, 363, 366(A), 511 and 34 of the Indian Penal Code against the informant that he tried to outrage the modesty of his daughter and tried to kidnapped her. The aforesaid allegation has also been supported by the victim, whose statement has been



recorded under Section 164 Cr.P.C. and both the F.I.R. and the statement of the victim has been brought on record by way of Annexure 2 & 3 to the supplementary affidavit. It is also submitted that the statement of the informant in the present case has also been recorded under Section 164 Cr.P.C. and he has also supported the prosecution case. However, even as per the statement recorded under Section 164 Cr.P.C., there is no specific allegation against this petitioner that he has committed any unnatural offence rather general and omnibus allegation has been levelled against this petitioner that he has also assaulted the informant.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the bail application and submits that the statement of the informant was recorded under Section 164 Cr.P.C. and he clearly stated about the involvement of the petitioner in the present offence with an allegation of heinous act of unnatural offence.

Learned APP for State also opposes the bail application and submits that the petitioner has been found to be involved in the present offence.

Having heard the submissions made on behalf of the parties and taking into consideration the fact that there is no



specific allegation against this petitioner and prior to the institution of the present case, the father of the girl has already instituted Dhansoi P. S. Case No. 27 of 2021 against the informant with regard to outraging the modesty of his daughter and an attempt to kidnap her, which resulted into assemblage of mob and thrashing of the informant. It is also added on the record that this petitioner is aged about 60 years, having clean antecedent and he is in custody since 07.08.2021 and even as per the statement of the informant recorded under Section 164 Cr.P.C. there is no specific allegation, except the general and omnibus allegation of assault, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Buxar in connection with Dhansoi P. S. Case No. 28 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.



- (iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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