

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67037 of 2021

Arising Out of PS. Case No.-86 Year-2020 Thana- RUDRAPUR District- Madhubani

1. Mohan Ram, Son of Late Ramrup Ram, Resident of Village- Sisauni, P.S.- Rudrapur, District- Madhubani.
2. Budhan Ram, Son of Sohan Ram, Resident of Village- Sisauni, P.S.- Rudrapur, District- Madhubani.
3. Vishwanath Ram, Son of Sohan, Ram Resident of Village- Sisauni, P.S.- Rudrapur, District- Madhubani.
4. Satrohan Ram @ Satrugan Ram, Son of Kushe Ram, Resident of Village- Sisauni, P.S.- Rudrapur, District- Madhubani.
5. Kushe Ram, Son of Late Ramrup Ram, Resident of Village- Sisauni, P.S.- Rudrapur, District- Madhubani.
6. Babulal Ram, Son of Late Badri Ram, Resident of Village- Sisauni, P.S.- Rudrapur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 30-08-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Murari Narain Chaudhary, learned counsel for the petitioners and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Rudrapur P.S. Case No. 86 of 2020 registered for the offences punishable under Sections 323, 324, 341,



354(B), 379, 504/34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution case, it is alleged that when the minor daughter of the informant had gone to attend the call of nature, in the meantime, co-accused Rajesh Ram caught hold of her and tried to commit rape. However, when she raised alarm, the informant arrived at the place of occurrence, whereupon the accused Rajesh Ram fled away. It is further alleged that after some time all the accused persons including the petitioners came to the place of occurrence and assaulted the informant and his family members.

Learned counsel appearing on behalf of the petitioner submits that the present case is nothing, but a counter blast of Rudrapur P.S. Case No. 85 of 2020 instituted by petitioner Mohan Ram. It is further submitted that during the course of investigation, the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has not supported the prosecution case. It is next submitted that so far the petitioners are concerned, there are general and omnibus allegation levelled against them and no specific allegation of any sort of overt act has been levelled. It is also submitted that in fact on account of land dispute a free fight has taken place, in which the members



of both the sides have received injuries, however, the prosecution has failed to explain the injury sustained to the members of the petitioners. It is lastly submitted that petitioner nos. 1 and 2 are in custody since 04.06.2021 and petitioner nos. 3 to 6 are in custody since 24.09.2021. The petitioner nos. 1 to 3, have one criminal antecedent in connection with Rudrapur P.S. Case No. 31 of 2014, in which they are on bail whereas petitioner nos. 4 to 6 are concerned, they have no criminal antecedent. It is lastly submitted that other co-accused, having identical allegation, has already been granted bail by the learned coordinate Benches of this Court.

On the other hand, learned APP for the State opposes the bail application and submits that all the accused persons in furtherance of the common intention have actively participated in the alleged crime.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the fact that co-accused Rajesh Ram, against whom there is specific allegation has been levelled, has been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 69648 of 2021 vide order dated 02.03.2022, let the petitioner, named above, be released on bail on furnishing



bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum – Special Judge, POCSO Act, Madhubani in connection with Rudrapur P.S. Case No. 86 of 2020, 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.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for



this purpose or in the name of verification.

(Harish Kumar, J)

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