

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66601 of 2021

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

1. ARJUN RAM Son of Mohan Ram Resident of Village - Sisauni, P.S.- Rudrapur, District - Madhubani.
2. Deva Ram Son of Mohan 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, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2022 Heard the learned counsel for the petitioners and the learned APP for the State, Sri Sanjay Kumar Singh.

The petitioners seek regular bail in connection with Rudrapur P.S. Case No. 86/2020 (GR No. 35/2020), registered for the offence punishable under Sections 323, 324, 341, 354(B), 379, 504/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The allegation is that the minor daughter of the informant had gone to the field for relieving herself where the co-accused person, namely,



Rajesh Ram, had caught hold of her and had tried to commit rape but upon alarm being raised by her, the informant had arrived at the place of occurrence, whereupon the co-accused person, namely, Rajesh Ram, had fled away. It is further alleged that after sometime, the accused persons including the petitioners herein had arrived at the place of occurrence and had engaged in assaulting the informant and his family members. Specific allegation has been levelled against the co-accused persons regarding them having assaulted the informant and other persons, however, as far as the petitioner no. 1 is concerned, a general and omnibus allegation of assaulting some of the prosecution party with lathi has been levelled and as far as the petitioner no. 2 is concerned, there is no allegation of him having engaged in any sort of overt act.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, and they are languishing in custody since



4.6.2021. The learned counsel for the petitioners has further submitted that the petitioners are accused in one old case of the year 2014, however, they are on bail in the said case. It is further submitted that a general and omnibus allegation has been levelled against the petitioners herein, however, no specific allegation of having engaged in any sort of overt act has been levelled against the petitioners herein. It is further submitted that the present case arises out of case and counter case, however, the fact is that only after the uncle of the petitioner no. 2 had filed a case bearing Rudrapur P.S. Case No. 85/2020, the present case bearing Rudrapur P.S. Case No. 86/2020 has been filed in retaliation. It is further submitted that the members of the petitioners have also been injured in the said incident.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners and there is no allegation of them having engaged in any sort of overt act resulting in any grievous injury being sustained by the members of the prosecution party, apart from the fact that the present case arising out of case and counter case, the case filed on behalf of the members of the petitioners side being first in time and moreover, the minor daughter of the informant, in her statement made under Section 164 Cr.P.C., annexed as Annexure-3 to the present petition, has not levelled any allegation of attempt to commit rape qua the co-accused person, namely, Rajesh Ram, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged 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. 86/2020 (GR. No. 35/2020).

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

