

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57706 of 2022

Arising Out of PS. Case No.-566 Year-2021 Thana- KAHALGAON District- Bhagalpur

1. BADAMI DEVI W/O PHOOL CHAND TANTI
 2. NIRMAL KUMAR TANTI @ NIRMAL KUMAR S/O PHOOL CHAND TANTI
- Both are Resident of Village- Olapur, P.S.- Ghogha, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandrasekhar Sharma, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 376,323,341,307,504,506/34 of the Indian Penal Code.

The prosecution case, in short, is that on 29.08.2021 the informant namely Neetu Devi, she awakes and went to bathroom, at that time, one Raj Kuimar Tanti, son of Phool Chand Tanti began to start 'Jor Jabardasti' with the informant. Anyhow she fled away and entered into a room, Raj Kumar Tanti also chased and entered into a room and on the basis of pistol threatened and began to start sexual assault and raped her.



At that time Devar of the informant came then Rajkumar began to flee away, but he was caught. It is further said that Raj Kumar assaulted Devar of the informant by pistol on head and injured him. It is further said that in the morning Nirmal Kumar Tanti, Phool Chand Tanti, Badami Devi entered into the house of the informant and got Rajkumar Tanti released and taken in his house. It is said that Panchayati was also held but Rajkumar did not appear.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. In fact the petitioner No.1 is mother of the co-accused, namely, Raj Kumar Tanti and petitioner No.2 is elder brother of Raj Kumar Tanti and they have no concern at all with the alleged occurrence. Further submits that the victim girl was recovered and her statement was recorded under Section 164 Cr.P.C. in which she has categorically stated that she was in love with the son of petitioner No.1, namely, Raj Kumar Tanti and they have performed the marriage and the allegation as alleged in the FIR is false and fabricated. On the pressure of her husband, namely, Varun Tanti, she has filed the false case against these petitioners.

Learned A.P.P. for the State has vehemently opposed



the prayer for bail of the petitioners.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Kahalgaon (Ghogha) P.S. Case No. 566 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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