

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59177 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- AUANGARI District- Nalanda

1. RAKESH KUMAR
2. BITU KUMAR
Both Sons of Nagendra Singh @ Loha Singh @ Yogendra Singh
3. LOHA SINGH @ NAGENDRA SINGH @ YOGENDRA SINGH Son of
Late Kapil Singh
4. PRABILA DEVI @ PRAMILA DEVI Wife of Loha Singh @ Nagendra
Singh @ Yogendra Singh
All Resident of Village- Aungari, P.S.- Aungari, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State in virtual Court

proceeding.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections
341,323,354(B),504/34 of IPC and Section 3(i)(r)(s) of SC/ST
Act and Section 3/4 of POCSO Act.

The prosecution case, in short, is that there is specific
allegation to commit outrage the modesty of the daughter of the
informant is against co-accused Pawan Kumar later on the



petitioners and others attacked on the house of the informant and started abusing with caste language, petitioner No.2 Bittu Kumar assaulted to Patiya Devi with iron rod causing injury on her body she admitted to Primary health Centre for treatment. Petitioner No.1 Rakesh Kumar trying to assault to Ajay Kumar with squad but anyhow he save, petitioner No.3 Loha Singh @ Nagendra Singh @ Yogendra Singh and petitioner No.4 Prabila Devi @ Pramila Devi assaulted to informant with rod causing injury on her back and waist but she not met treatment due to simple assault.

Learned counsel for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that the date of occurrence as alleged in the FIR is 15.05.2022 but the informant has filed the complaint petition on 24.05.2022 and thereafter the present FIR has been instituted on 30.06.2022. Further submits that the present case is counter blast of Aungari P.S.Case No.41 of 2022 filed by petitioner No.4 against the informant's husband and others. Further submits that the allegation as alleged in the FIR is false and fabricated and no such occurrence took place and allegation against co-accused, namely, Pawan Kumar is that he committed to outrage the modesty of the daughter of the



informant and the allegation against all the accused persons is that they assaulted the family members of the informant but there is no injury report available on the record.

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 Aungari P.S. Case No. 57 of 2022, 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)

Nitesh/-

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