

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9945 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- ARER District- Madhubani

1. Arjun Sada Son Of Late Lakhan Sada R/O Arua Tola, Mushari, P.S.- Arer, Distt.- Madhubani
2. Yasodhar Sadai @ Yasodhar Sada Son Of Late Darbari Sada R/O Bhadauli Parkali, P.S.- Arer, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-05-2023 Heard Miss Kumari Pallavi, learned counsel for the
petitioners and the State.

The petitioners are in custody since 11.10.2022 in connection with Arer P.S. Case No. 154 of 2022 for the offence under Sections 341, 323, 448, 457, 454, 354A, 354D, 376, 511, 504, 506 and 34 of the I.P.C. and Section 37 of the Bihar Prohibition Excise Act lodged on 11.10.2022 by the informant Kajal Devi.

The prosecution story, in brief, is that, the informant namely Kajal Devi, alleged that the accused persons entered her house in drunken stage in the night of 10.10.2022 and pulled the



informant from her house. Anyhow she rescued and hide herself in another house and called the police. The police came and arrested accused persons. The informant has further alleged that the accused persons entered in her house with an intention to commit rape and they were following the informant from several days.

It has been submitted by the learned counsel for the petitioners that even going by the F.I.R., no case of rape is made out. It has further been submitted by her that the lady had taken loan from the petitioner no.2 and which was being demanded and as an after thought, the present F.I.R. was lodged.

She further submits that they do not have criminal antecedent and will abide by all the terms and conditions.

Learned APP opposes the prayer for bail.

Considering the aforesaid facts submitted by the learned counsel as also the fact that both of them have remained in custody since 11.10.2022 (as stated in para 23 of the petition) and do not have criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.D.J. II cum



Special Judge Excise, Madhubani, in connection with Arer P.S.

Case No. 154 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the application is allowed.

Before parting, the Court would like to record its



word of appreciation for Miss Kumari Pallavi for the assistance rendered by her.

(Rajiv Roy, J)

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