

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13486 of 2023

Arising Out of PS. Case No.-683 Year-2021 Thana- ARA NAWADA District- Bhojpur

1. SHOBHA KANT DAS @ SHOBHA KANT PASWAN Son of Late Ram Bawan Das Resident of Mohalla - Jawahir Tola, P.S.- Ara Nawada, District - Bhojpur.
2. Versa Kumari Daughter of Late Anuragi Kumar Resident of Mohalla - Jawahir Tola, P.S.- Ara Nawada, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Adv.
For the Opposite Party/s : Mr.Harendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 354, 341, 363, 34 of the Indian Penal Code but later on 376 of the IPC and 4 of POCSO Act was added.

Allegedly, petitioners along with other co-accused persons are said to have tried to commit rape with the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have



been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioner no.2 is a minor girl aged about 14 years. It is further submitted that the statement of the victim girl has been recorded under Section 164 Cr.P.C. in which she has not supported the prosecution story. He further submits that during investigation, the police did not find the case true against the petitioners but prior to filing of the Final Report/Charge sheet, the learned Court below took cognizance against the petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case as well as the age of the petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Ara Nawada P.S. Case No. 683 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



As, there is specific allegation of trying to commit rape with the informant against petitioner no.1, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for bail of the petitioner no.1 is hereby rejected.

Accordingly this application stands partly allowed.

(Anjani Kumar Sharan, J)

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