

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15763 of 2023

Arising Out of PS. Case No.-86 Year-2022 Thana- PIPRAKOTHI District- East Champaran

1. MINTU PASWAN SON OF MUNILAL PASWAN R/O VILLAGE-HATHIYAH, P.S.- PIPRA KOTHI, DISTRICT- EAST CHAMPARAN AT MOTIHARI
2. BHOLA PASWAN SON OF MUNILAL PASWAN R/O VILLAGE-HATHIYAH, P.S.- PIPRA KOTHI, DISTRICT- EAST CHAMPARAN AT MOTIHARI
3. SITARAM SON OF SUDILAL PASWAN R/O VILLAGE- HATHIYAH, P.S.- PIPRA KOTHI, DISTRICT- EAST CHAMPARAN AT MOTIHARI
4. PUNDEO PASWAN SON OF SUDILAL PASWAN R/O VILLAGE-HATHIYAH, P.S.- PIPRA KOTHI, DISTRICT- EAST CHAMPARAN AT MOTIHARI
5. KUNDAN PASWAN SON OF PUNIT PASWAN R/O VILLAGE-HATHIYAH, P.S.- PIPRA KOTHI, DISTRICT- EAST CHAMPARAN AT MOTIHARI
6. KAMLESH PASWAN SON OF SUDILAL PASWAN R/O VILLAGE-HATHIYAH, P.S.- PIPRA KOTHI, DISTRICT- EAST CHAMPARAN AT MOTIHARI
7. MUNILAL PASWAN SON OF LAKCHAN PASWAN R/O VILLAGE-HATHIYAH, P.S.- PIPRA KOTHI, DISTRICT- EAST CHAMPARAN AT MOTIHARI
8. RAMBHA DEVI WIFE OF BHOLA PASWAN R/O VILLAGE-HATHIYAH, P.S.- PIPRA KOTHI, DISTRICT- EAST CHAMPARAN AT MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection



with Pipra Kothi P.S. Case No. 86 of 2022 for the offence registered under Sections 448, 341, 323, 354B, 384, 504 and 506/34 of the Indian Penal Code lodged on 22.03.2022 by the informant, Kausalya Devi.

That the prosecution case alleged that on 16.3.2022 at about 11.30 P.M., informant villager Mintu Paswan entered the house of informant and tried to rape. As she cried, the accused fled away. She narrated this to her husband. Further allegation is that when the husband enquired the same, all the accused persons assaulted and snatched Rs. 50 thousand rupees. Later, Kundan Paswan and Kamlesh Paswan threatened to part with Rs. 1 lakh. Accordingly, the FIR.

Learned counsel for the petitioner submits that the occurrence is alleged to be of 16.03.2022 but the FIR was lodged on 22.03.2022 and the same is counter blast to the case lodged by the petitioner no. 8, Rambha Devi vide Pipra Kothi P.S. Case No. 84 of 2022. Further submission is that entire family have been roped in the present case.

Learned APP for the State opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that the occurrence is alleged to be of 16.03.2022 but the FIR was



lodged on 22.03.2022 and the said inordinate delay having not been explained, this Court is inclined to grant the privilege of anticipatory bail.

Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipra Kothi P.S. Case No. 86 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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 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 his bail bonds;



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

(Rajiv Roy, J)

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