

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15842 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Ranjay Rai Son Of Late Hari Kishun Rai Resident Of Village- Makhdumganj, Ps- Chapra Muffasil, Dist- Saran At Chapra
2. Vinod Rai Son Of Jay Kishun Rai Resident Of Village- Makhdumganj, Ps- Chapra Muffasil, Dist- Saran At Chapra
3. Mukesh Kumar Son Of Late Hari Kishun Rai Resident Of Village- Makhdumganj, Ps- Chapra Muffasil, Dist- Saran At Chapra
4. Saroj Rai Son Of Jai Kishun Rai Resident Of Village- Makhdumganj, Ps- Chapra Muffasil, Dist- Saran At Chapra
5. Arvind Rai Son Of Jai Kishun Rai Resident Of Village- Makhdumganj, Ps- Chapra Muffasil, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rajani Kumari, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023

Heard the parties.

The petitioners are apprehending arrest in connection with Chapra Muffasil P.S. Case No. 61 of 2023 under sections 341, 324, 354/34 of the Indian Penal Code and section 7/8 of the Protection of Children from Sexual Offences, Act lodged on 26.01.2023 by the informant Soni Kumari.

The prosecution case, in brief, is that on 26.01.2023, the informant was going to attend the call of nature and during that period the petitioners misbehaved and also assaulted the victim and causing injury on hand. Accordingly, the F.I.R.

It has been contended by the learned counsel for the



petitioners that Rs. 50,000/- was taken by the father of the victim girl 'x' and when the same was demanded, this false case has been registered. Subsequently, the accused side also lodged the FIR (Annexure-2). The further submission is that although there is allegation of giving knife blow on the hand, the petitioner could not catch hold of the said injury report.

Learned APP opposes the prayer.

Taking into account the fact that there is case and counter case in the matter, there is injury on the hand, the petitioner do not have criminal antecedent and will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI cum Exclusive Special Judge (POCSO Act), Saran at Chapra, in connection with Chapra Muffasil P.S. Case No. 61 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with other conditions too:

(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 petitioner 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 his bail bond by the Trial Court itself;

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

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

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/Kiran

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