

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25143 of 2023

Arising Out of PS. Case No.-130 Year-2021 Thana- CHARPOKHARI District- Bhojpur

1. Dinesh Singh, mae age about – 40 years, Son Of Ram Lakhan Singh.
2. Ram Lakhan Singh, male, age about 55 years, Son Of Late Nawab Singh.
Both are resident Of Village – Kharauni, P.S.- Charpokhari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-07-2023 Heard Mr. Prabhat Kumar Singh, learned counsel

appearing on behalf of the petitioners and Mr. Brajendra Nath

Pandey, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Charpokhari P.S. Case No. 130 of 2021 dated 29.07.2021
registered for the offence punishable under Sections 447, 341,
323, 504, 506, 509 and 354/34 of the Indian Penal Code.

3. Prosecution story, in brief, is that when the
informant had gone to ease herself, petitioners had tried to
commit rape but on *hulla* they fled away.

4. Learned counsel appearing on behalf of the
petitioners submitted that allegation of outraging the modesty is



not sustainable against the petitioners. Petitioners have not assaulted the husband of the victim. Specific allegation of having used vulgar language with the informant is against one co-accused, namely, Nitish Kumar @ Shital Kumar, who has already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Miscellaneous No. 20490 of 2023. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioners as well as the fact that victim has alleged against one co-accused Nitish Kumar, who has already been released on bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Miscellaneous No. 20490 of 2023. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks



from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 130 of 2021 dated 29.07.2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

Niraj/Nilmani

U		T	
---	--	---	--

