

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21450 of 2023

Arising Out of PS. Case No.-72 Year-2021 Thana- COMPLAINT CASE District- Sheohar

1. ASHOK RAI S/O Ram Autar Rai Resident of Village-Salempur Police Station-Tariyani District-Sheohar
2. SURESH SINGH S/O Jalandhar Singh Resident of village-Kushar East Tola Police Station-Shyampur Bhataha District-Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. FUL KUMARI DEVI W/O Ram Sevak Rai Resident of village-Salempur Police Station-Tariyani District-Sheohar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2023 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 354, 354B, 379/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the complainant alleges that the accused persons including the petitioners intercepted her and took her in a field and petitioner No. 2 disrobed her and petitioner No. 1 gagged her mouth by a cloth and attempted to commit rape but on alarm villagers came



and hence the complainant was saved.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case it is next submitted that complainant is a co-villager of petitioner No. 1 and niece of father-in-law of petitioner No. 2, it is thus submitted that complainant and petitioner No. 2 are known to each other and were having dispute, it is further submitted that complainant in the marriage of her daughter had taken Rs. 4,00,000/- from petitioner No. 2 on assurance to return the same within 6 months but she did not returned the money and on demand she alongwith her husband assaulted the petitioner No. 2 leading to filing of complaint case No. 117 of 2016 in which cognizance was taken under Sections 420, 406, 323, 504 of the IPC by order dated 20.08.2016, it is further submitted that petitioner No. 1 is a witness in the complaint petition of the petitioner No. 2. It is next submitted that allegation is of attempt and the complaint even does not disclosed the names of the villagers who came to save her, it is further submitted that the date of occurrence is 20.02.2021 and the complaint came to be instituted after a delay of 3 days on 23.02.2021.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. C1-72 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned counsel for the petitioners at this stage seeks permission to make rectification in the address of the petitioner No. 2 in the anticipatory bail application.

Permission is accorded.

(Satyavrat Verma, J)

Adnan/-

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

