

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23868 of 2023

Arising Out of PS. Case No.-419 Year-2022 Thana- NAANPUR District- Sitamarhi

1. RAHUL KUMAR @ RAHUL K. RAY S/o- RAMASHANKAR RAI
Village- Gaura Ward no-7, Ps- Nanpur Dist- Sitamarhi
2. Ramashankar Rai son Late Laxmi Prasad Yadav Village- Gaura Ward no-7,
Ps- Nanpur Dist- Sitamarhi
3. Pawan Devi wife of Ramashankar Rai Village- Gaura Ward no-7, Ps-
Nanpur Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ashok Kumar Jha, Adv.
For the Opposite Party/s :	Mr.Shailendra Kumar Singh, APP
	Mr.Sumit Shekhar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-08-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 354, 353(A), 354(B), 354(C), 376, 511, 504, 506, 509, 323, 34 of the IPC and section 8 of the POCSO Act.

3. As per the prosecution case, petitioner no.2 is said to have abused and threatened the informant to viral the photograph of the petitioner no.1 and the daughter of the informant. Thereafter, he outraged the modesty of the informant and the accused assaulted her. Petitioner no.1 misbehaved with the daughter of the informant and he used to do the same since



long and used to threaten her to make viral her obscene photos.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. There is general and omnibus allegation against the petitioners. Petitioner no.2 is the brother-in-law (*dewar*) of the informant and in the entire case diary, there is no specific overt act against the petitioners. The statement of the victim was not recorded u/s 161 Cr.P.C. or 164 Cr.P.C. It is submitted that the injury was found simple in nature which is clear from the injury report. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the informant has given a pen drive to the police, which is clear from the case diary. Later on the police though mentioned in the case diary that informant has not supplied the document in support of the allegation but thereafter has found the case to be true against the petitioners.

6. Having regard to the facts and circumstances of the case, since petitioner no.3 is a lady, let her, 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Nanpur P.S. Case No.419 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, considering the nature of allegation against the petitioner nos.1 and 2, I am not inclined to enlarge them on bail. The prayer for grant of anticipatory bail on behalf of petitioner nos.1 and 2 is hereby rejected.

8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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