

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27710 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- AURAI District- Muzaffarpur

1. Ankesh Kumar @ Ankush Rai Son of Shambhu Rai Resident of village - Ambedkar Nagar Tola Dharharwa, P.S. - Aurai, Distt. - Muzaffarpur
2. Chhote Ray Son of Late Sukhdeo Ray Resident of village - Ambedkar Nagar Tola Dharharwa, P.S. - Aurai, Distt. - Muzaffarpur
3. Bhola Rai Son of Chhote Ray Resident of village - Ambedkar Nagar Tola Dharharwa, P.S. - Aurai, Distt. - Muzaffarpur
4. Mintu Kumar Son of Rajesh Ray Resident of village - Ambedkar Nagar Tola Dharharwa, P.S. - Aurai, Distt. - Muzaffarpur
5. Nagendra Ray Son of Satahu Ray Resident of village - Ambedkar Nagar Tola Dharharwa, P.S. - Aurai, Distt. - Muzaffarpur
6. Anjani Rai @ Guddu Rai Son of Rajesh Ray Resident of village - Ambedkar Nagar Tola Dharharwa, P.S. - Aurai, Distt. - Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 27970 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- AURAI District- Muzaffarpur

Rajesh Ray @ Rudal Ray Son of Late Satahu Ray Resident of village - Ambedkar Nagar Tola Dharharwa, P.S.- Aurai, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 28683 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- AURAI District- Muzaffarpur

1. Kanti Devi Wife of Rajesh Ray @ Rudal Ray Resident of village - Ambedkar Nagar Tola Dharharwa, P.S.- Aurai, District - Muzaffarpur
2. Chameli Devi Wife of Bhola Rai Resident of village - Ambedkar Nagar Tola Dharharwa, P.S.- Aurai, District - Muzaffarpur
3. Rina Devi @ Most Rina Devi Wife of Late Nagendra Rai Resident of village - Ambedkar Nagar Tola Dharharwa, P.S.- Aurai, District - Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party



Appearance :

(In CRIMINAL MISCELLANEOUS No. 27710 of 2023)

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

For the Opposite Party/s : Ms. Usha Kumari 1, Spl PP

(In CRIMINAL MISCELLANEOUS No. 27970 of 2023)

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

For the Opposite Party/s : Mr. Sadanand Paswan, APP

(In CRIMINAL MISCELLANEOUS No. 28683 of 2023)

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

For the Opposite Party/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The informant has entered appearance through Mr.
Hansh Raj Kumar, learned Advocate but he is not present.

The petitioners in the present case are seeking pre-arrest bail in connection with Aurai P.S. Case No. 219 of 2022 registered for the offence punishable under Sections 147, 148, 323, 324, 307, 376, 511, 379, 380, 354(B)/34 of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences (POCSO) Act as also Section 3(1) (r), (s)/ 3(2) (va) of the Schedule Castes and Schedule Tribe (Protection of Atrocities) (SC/ST) Act. They have got no criminal antecedent.

As per the prosecution story, on 14.07.2022 the informant filed Complaint Case No. 20 of 2022 alleging therein that on 03.07.2022 at about 08:00 P.M. when the minor daughter of the informant went out of her house for nature call, Mintu Rai and Chintu Rai tried to commit rape on her and when the



informant's daughter raised her voice and the informant along with her family reached there, both of them fled away. Thereafter, the family members of the said Mintu Rai and Chintu Rai reached the house of the informant lashed with weapons and abused the informant's family in her caste name. They also assaulted the informant and her family members and sprinkled hot water and chili powder over her family members. The accused persons also looted jewels and clothes worth Rs.1,50,000/- from her house and are making the photo of the informant's daughter viral on social media.

Learned counsel for the petitioners submits that in the present case, the alleged occurrence is said to have taken place on 03.07.2022 on the basis of a complaint petition which was filed by the complainant on or about 14.07.2022.

Learned counsel further submits that in the FIR, it is alleged that the co-accused Chintu Kumar Yadav and Petitioner No. 4 in Cr. Misc. No. 27710 of 2023 Mintu Rai who has been described as Mintu Kumar in the petition had committed the alleged overt act. So far as the other named accused are concerned, allegations against them is that they had assembled at the house of the complainant and had hurled abuses upon the complainant and her family in her caste name.



Learned counsel submits that the co-accused including the petitioners except petitioner no. 4 in Cr. Misc. No. 27710 of 2023 are not alleged to be involved in the occurrence which took place on 03.07.2022.

Learned APP for the State has not controverted the above submissions of learned counsel for the petitioners. It is not denied that the complaint case was lodged after about eleven days of the alleged occurrence and the allegations of the overt act are against two accused only.

Having regard to the facts and circumstances of the case, the aforementioned uncontroverted submissions of learned counsel for the petitioners, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners except petitioner no. 4 Mintu Kumar in Cr. Misc. No. 27710 of 2023 shall be enlarged on bail in connection with Aurai P.S. Case No. 219 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, VI -cum- Special Judge, POCSO, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify



the criminal antecedent of the petitioners except petitioner no. 4 in Cr. Misc. No. 27710 of 2023 and in case at any stage it is found that the petitioners except petitioner no. 4 in Cr. Misc. No. 27710 of 2023 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners except petitioner no. 4 in Cr. Misc. No. 27710 of 2023. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

In case, the petitioner no. 4 in Cr. Misc. No. 27710 of 2023 surrenders and prays for regular bail within a period of four weeks from today, his prayer shall be considered on its own merit without being prejudiced by the order of this Court.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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