

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31890 of 2022

Arising Out of PS. Case No.-618 Year-2020 Thana- SITAMARHI District- Sitamarhi

1. NAUSHAD MANIYAR S/o Md. BGadruddin Maniyar @ Badruddin @ Babloo Maniyar R/o Village- Gudari Bazar, Ward No.10, P.S. and District- Sitamarhi.
2. Shanawaj Maniyar @ Shahnawaj Maniyar @ Gappu S/o Md. Badruddin Maniyar @ Badruddin @ Babloo Maniyar R/o Village- Gudari Bazar, Ward No.10, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Noushad Khan, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-01-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Sitamarhi P.S. Case No. 618 of 2020 for the offence registered under Sections 341, 323, 354, 379, 504, 376, and 511/34 of the Indian Penal Code.

The allegation is regarding the petitioners and three other co-accused persons having entered the house of the informant, whereafter they had caught hold of her hands and had



attempted to commit rape with her, however, subsequently the family members of the victim girl had arrived there, upon an alarm being raised, whereupon the accused persons including the petitioners herein had fled away after snatching gold chain and ear ring of the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 27.02.2022. It is submitted by the petitioners that it has transpired during the course of investigation that the informant is a lady of questionable character and she has, in the past, implicated several persons by filing false cases with the sole motive of extorting money from them. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against all the accused persons and in fact no such occurrence had ever taken place, which would be apparent from the case diary inasmuch as no



statement of the lady/informant has been recorded under Section 164 Cr.P.C. till date, before the learned Magistrate. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 08.09.2022 passed in Criminal Miscellaneous No. 8919 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case dairy, this Court finds that a general and omnibus allegation has been levelled against all the accused persons apart from the fact that two of the co-accused persons have already been granted anticipatory bail by a Co-ordinate Bench of this Court, hence I deem it fit and proper to direct for release of the petitioners herein on regular bail.



Accordingly, the petitioners, above named,
are directed to be released on bail 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,
Sitamarhi in connection with Sitamarhi P.S. Case
No. 618 of 2020.

(Mohit Kumar Shah, J)

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