

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35130 of 2022

Arising Out of PS. Case No.-597 Year-2021 Thana- RAJIVNAGAR District- Patna

1. Maheshwar Kumar Rahul @ M. K. Rahul Son Of Maheshwar Kumar Resident Of Flat No.- C/302, Ntpc Vihar, Phase-1, Ashiana Nagar, P.S.- Rajiv Nagar, District- Patna
2. Maheshwar Kumar Gourav @ M. K. Gaurav Son Of Maheshwar Kumar Resident Of Flat No.- C/302, Ntpc Vihar, Phase-1, Ashiana Nagar, P.S.- Rajiv Nagar, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35231 of 2022

Arising Out of PS. Case No.-597 Year-2021 Thana- RAJIVNAGAR District- Patna

1. Maheshwar Kumar S/O- Late Jadunandan Paswan R/O Flat No.- C/302, Ntpc Vihar, Phase-1, Ashiana Nagar, P.S.- Rajiv Nagar, District- Patna
2. Geeta Kumar W/O Maheshwar Kumar R/O Flat No.- C/302, Ntpc Vihar, Phase-1, Ashiana Nagar, P.S.- Rajiv Nagar, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35130 of 2022)

For the Petitioner/s : Mr.Surendra Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

(In CRIMINAL MISCELLANEOUS No. 35231 of 2022)

For the Petitioner/s : Mr.Surendra Kumar

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 14-03-2023 As both these bail applications cropped up with the same P.S. Case No. Hence, with the consent of the parties they have been heard together and disposed of by this common order.

Heard learned counsel for the petitioners and the



learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 354, 427, 504 and 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

All the accused persons are said to have assaulted, abused the informant. It is further alleged that the co-accused Maheshwar Kumar and his son torn the clothes of the informant as result of which the informant became half-naked.

The petitioners are quite innocent and have been falsely implicated in this case due to previous grudge. The allegations levelled against the petitioners is general and omnibus in nature. There is no direct evidence against the petitioner to support the case. There is no specific overt act against the petitioner. There is specific overt act against the co-accused Rahul Kumar. Petitioner no.1 in Cr. Misc. No. 35130/2022 has got one criminal antecedent and petitioner no.2 in Cr. Misc. No. 35130/2022 has got no criminal antecedent and petitioner no.2 of Cr. Misc. No. 35231/2022 has got two criminal antecedent and petitioner no.1 of Cr. Misc. No.35231/2022 has got one criminal antecedent as stated in Para-3 of the bail application.



Per contra, learned APP for the State vehemently opposing the bail petition submitted that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case, hence they do not deserve anticipatory bail.

Having perused the statement of the victim which was opened in the Court, I am not inclined to enlarge the petitioners on bail in connection with Rajiv Nagar P.S. Case No. 597 of 2021. The prayer for bail of the petitioners is hereby rejected.

However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order in same day, preferably, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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