

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37469 of 2023

Arising Out of PS. Case No.-152 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Ramesh Rai @ Ramesh Ray Son Of Shiv Prasad Rai Resident Of Village-Yamuna Tola, Ps- Chapra Muffasil, District- Saran
2. Kishore Rai Son Of Shiv Prasad Rai Resident Of Village-Yamuna Tola, Ps- Chapra Muffasil, District- Saran
3. Shiv Prasad Rai Son Of Late Chathu Rai Resident Of Village-Yamuna Tola, Ps- Chapra Muffasil, District- Saran
4. Sandeep Rai @ Sandeep Kumar Son Of Ramesh Rai Resident Of Village-Yamuna Tola, Ps- Chapra Muffasil, District- Saran
5. Bihari Rai @ Bihari Kumar Son Of Ramesh Rai Resident Of Village-Yamuna Tola, Ps- Chapra Muffasil, District- Saran
6. Rakesh Rai @ Rakesh Kumar Son Of Ramesh Rai Resident Of Village-Yamuna Tola, Ps- Chapra Muffasil, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Adv
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

2. The learned counsel for the petitioners is permitted to correct the father's name of petitioner nos. 4, 5 and 6 during the course of day.

3. The petitioners are apprehending their arrest in connection with Chapra Muffasil P.S. Case No. 152 of 2023, registered for the offence punishable under Sections 341, 323,



325, 307, 354(B), 376 and 511 of the Indian Penal Code.

4. There is an allegation that the petitioners have indiscriminately assaulted the family of informant. They are also alleged to have outraged the modesty and attempted to commit rape on family members.

5. The learned counsel for the petitioners submits that it is obvious from the FIR that the genesis of the allegation is the cleanliness of a common passage between the parties, who are *Pattidars*. The prosecution parties were, in fact, aggressors and FIR to this effect was lodged by the petitioner no. 3 on 09.10.2020, four days thereafter the instant complaint, has been lodged, where the petitioners have been made accused. The injury report of the informant and other persons, which are annexed in the bail petition, makes it clear that the parties have sustained minor injuries. The same is obvious having regard to the scuffle that took place on the fateful day, which is apparent from the case and counter case. The petitioners are all family members. The allegation of attempt to commit rape upon a *Pattidar* in presence of father and grand-father, is palpably unbelievable and false. The petitioners have no antecedents.

6. The learned APP for the State has opposed the prayer for bail.



7. Considering the rival submissions, nature of allegations, the FIR from the accused side, which precedes lodging of the instant complaint by at least four days and clean antecedent, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

8. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 the learned C.J.M, Saran, Chapra, in connection with Chapra Muffasil P.S. Case No. 152 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will



be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

uttam/-

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

