

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40678 of 2023

Arising Out of PS. Case No.-414 Year-2022 Thana- DUMRA District- Sitamarhi

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1. ASHNARAYAN SAH Son of Late Asharfi Sah Resident of village - Kumhara Bishanpur, ward no. 13, P.S. - Dumra, Distt - Sitamarhi
 2. Dewkali Devi Wife of Ashnarayan Sah Resident of village - Kumhara Bishanpur, ward no. 13, P.S. - Dumra, Distt - Sitamarhi
 3. Manju Devi @ Manju Kumari Wife of Lalu Sah @ Lalu Kumar Resident of village - Kumhara Bishanpur, ward no. 13, P.S. - Dumra, Distt - Sitamarhi
 4. Lalu Sah @ Lalu Kumar Son of Ashnarayan Sah Resident of village - Kumhara Bishanpur, ward no. 13, P.S. - Dumra, Distt - Sitamarhi
 5. Sachin Kumar @ Sachin Sah Son of Ashnarayan Sah Resident of village - Kumhara Bishanpur, ward no. 13, P.S. - Dumra, Distt - Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

The petitioners apprehend their arrest in connection
with Dumra P.S. Case No. 414 of 2022 for the offence
punishable under Sections 341, 323, 354B, 379, 504 and 506/34
of the I.P.C lodged on 07.09.2022 by the informant Ram
Narayan Shah.



As per the prosecution story, the informant alleges that in the night of 16.08.2022, the accused persons entered his house and started abusing and upon objection, allegation is that the petitioner no. 4, Lalu Sah @ Lalu Kumar tried to outrage the modesty of his daughter and further tried to commit rape failing which assault was made. Further allegation is that when the Manmoriya Devi tried to save her, petitioner no. 1, Ashnarayan Sah also outraged her modesty. Further allegation is of snatching and looting of ear ring. Accordingly, the Fir.

Learned counsel for the petitioners submit that the occurrence is of 16.08.2022 and the FIR was lodged on 07.09.2022 which gave ample time to implicate each and other persons of the petitioner's side assigning one or the other role to them.

Learned APP opposes the prayer stating that all the petitioners are named in the FIR.

Considering the inordinate delay in lodging of the FIR, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners, in the event of their arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond



of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Dumra P.S. Case No. 414 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners (save and except the petitioner nos. 2 & 3) shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.



With the aforesaid observations, the anticipatory bail
application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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