

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49119 of 2023

Arising Out of PS. Case No.-95 Year-2023 Thana- DIGHWARA District- Saran

1. Rahul Kumar Son Of Nagendra Ram @ Nagendra Paswan Resident Of Village - Anant Mirzapur, Ps- Dighwara, Distt- Saran At Chapra
2. Nagendra Ram @ Nagendra Paswan Son Of Late Ramdev Ram @ Ramdev Paswan Resident Of Village - Anant Mirzapur, Ps- Dighwara, Distt- Saran At Chapra
3. Pintu Kumar Son Of Ravindra Sah Resident Of Village - Saidpur Dighwara, Ps- Dighwara, Distt- Saran At Chapra
4. Karan Kumar Son Of Ram Naresh Pandey Resident Of Village - Chaknur, Ps- Dighwara, Distt- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

02. In this present case, the petitioners are apprehending their arrest in connection with Dighwara P.S. Case No. 95 of 2023, registered on 22.03.2023, for the offences under Sections 341, 323, 307, 354, 427, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner nos. 1, 3 and 4 are said to have sexually assaulted the informant, her niece and other female acquaintance. When the complaint was made to the family members of these petitioners, petitioner no. 2 along with



FIR named 16 co-accused persons and 100 unknown persons attacked the house of the informant and damaged the household articles and caused injuries to a number of persons.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The co-accused Dinesh Paswan recorded his *fardbeyan* before the police after he was assaulted by the father of the informant leading to registration of Dighwara P.S. Case No. 113 of 2023 against the father of the informant and others under various sections of the Indian Penal Code and the SC/ST (Prevention of Atrocities) Act. The injuries sustained by the victims appear to be simple and injury reports were issued on different dates though they were examined on the same day. There is case and counter case between the parties and the petitioners were not ready to support the false case of the informant and hence they have been made accused in this case.

05. Learned APP opposes the prayer for anticipatory bail of the petitioners. Learned APP submits that the petitioner no.2 is having one criminal antecedent under the Excise Act and so far petitioner no. 1, 3 and 4 are concerned, there are specific allegation of sexual assault against them and the counter case has been lodged after much delay, for which, there is no explanation.



06. Having regard to the facts and circumstances and considering the nature of allegation against petitioner nos. 1, 3 and 4, I am not inclined to enlarge them on anticipatory bail. Hence, their prayer for bail is rejected.

07. However, considering the aforesaid facts and circumstances and further considering the vague nature of allegation against petitioner no.2, he, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Saran at Chapra/concerned court in connection with Dighwara P.S. Case No. 95 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner no.2.
- (ii) The petitioner no.2 will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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