

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52228 of 2023

Arising Out of PS. Case No.-658 Year-2016 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Alok Kumar Sharma Son Of Siyaram Sharma Resident Of Village -
Lauaagan, P.S. - Chausa, Distt. - Madhepura, Bihar
 2. Boue Lal Ram Son Of Baladev Ram R/O Vill - Lohna, P.S. - Bhairav Sthan,
Distt. - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kumari Wife Of Brahmdar Mandal R/O Rahapur Balat, Ps- Rajnagar,
Dist- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Shivnandan Bharti, Adv.
For the State	:	Mr. Anil Kumar, APP
For the Complainant	:	Mr. Shailendra Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2023 Heard learned Senior Counsel for the petitioners and

learned A.P.P. for the State assisted by learned counsel for the

complainant.

2. The petitioners apprehend their arrest in a case

registered for the offences punishable under Sections 323, 342,

379, 354 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that the

petitioner no. 1 molested the informant and when she resisted

then he pulled her saree and tried to commit rape on her. When

she cried then petitioner no.1 assaulted her and, thereafter,



petitioner no. 2 arrived there and he also assaulted her and ousted her from there by pushing her and snatched a gold chain worth Rs. 32,000/- from her.

4. Learned Senior Counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that though the complainant has filed this case in 2016, but the cognizance was taken on 15.11.2018 against petitioner no. 1 and the petitioner no. 1 has been transferred on 30.06.2018, so petitioner no. 1 have no knowledge of the aforesaid cognizance order taken by learned Magistrate. He further submits that earlier the petitioner no. 1 has also filed a case against the complainant, thereafter, this case was lodged by the complainant against the petitioners. The complainant filed present case from jail. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the complainant opposed prayer for anticipatory bail and submitted that specific overt act has been attributed against the petitioners. Hence, they do not deserve privilege of anticipatory bail.



6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No.658 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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