

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54784 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- DARPA District- East Champaran

1. Raghunath Ram Son Of Chhathu Ram Resident Of Village- Narkatia, Ps- Darpa, Dist- East Champaran
2. Rampravesh Ram Son Of Gaya Ram Resident Of Village- Narkatia, Ps- Darpa, Dist- East Champaran
3. Bali Ram Son Of Musahar Ram Resident Of Village- Narkatia, Ps- Darpa, Dist- East Champaran
4. Ram Balak Ram Son Of Shali Ram Resident Of Village- Narkatia, Ps- Darpa, Dist- East Champaran
5. Amit Kumar @ Amit Ram Son Of Ram Balak Ram Resident Of Village- Narkatia, Ps- Darpa, Dist- East Champaran
6. Chandeshwar Ram Son Of Ramagya Ram Resident Of Village- Narkatia, Ps- Darpa, Dist- East Champaran
7. Jhakladi Ram Son Of Prasad Ram Resident Of Village- Narkatia, Ps- Darpa, Dist- East Champaran
8. Dhariikshan Ram Son Of Mathura Ram Resident Of Village- Narkatia, Ps- Darpa, Dist- East Champaran
9. Manoj Kumar @ Manoj Ram Son Of Umashankar Ram Resident Of Village- Narkatia, Ps- Darpa, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-08-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehend their arrest in connection with Darpa P.S. Case No.



11 of 2023 registered for the offences punishable under Sections 452, 376, 354-B, 379, 323, 504/34 of the Indian Penal Code (in short 'I.P.C.').

The allegation against these petitioners is to commit rape upon informant/victim, who is a married female aged about 28 years.

Learned counsel appearing on behalf of the petitioners submitted that prior to this occurrence husband of victim outraged the modesty of niece of co-accused Sampat Ram for which a case was lodged which has been registered as Darpa P.S. Case No. 83 of 2019 and just to counter said case, present false implication was raised against petitioners after 13 days of the occurrence, where initially a complaint was lodged before learned Chief Judicial Magistrate and subsequently, F.I.R. was lodged under Section 156(3) of the Cr.P.C. It is further submitted that during the course of investigation informant recorded her re-statement which is the part of paragraph no. 5 of the case diary, where she specifically denied the occurrence and stated that to counter the criminal case lodged against her husband, the present false implication was made. It is further pointed out that allegation of criminal trespassing was also not appears supported during the course of investigation. While



concluding the argument it is submitted that petitioners are men of clean antecedents and their implication is only out of relation being relative/family members of main co-accused, namely, Sampat Ram.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the fact as victim herself denied the occurrence of rape, while making her re-statement during the course of investigation, which is the part of paragraph no. 5 of the case diary, accordingly, all above named petitioners, who appears relative of main co-accuse Sampat Ram, in the event of their arrest or surrender before the court below within a period of four weeks of this order, are directed to be released on anticipatory bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Raxaul, at Motihari/concerned Court, where the case is pending in connection with Darpa P.S. Case No. 11 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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