

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57150 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- MAHILA P.S. District- Siwan

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AMIT RAI S/O LALBABU RAI R/O VILLAGE- SIRISIA, PS. NAUTAN,
DIST. SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Akhilesh Kumar
For the Opposite Party/s :	Mr.Usha Kumari 1
For the Informant :	Ms.Riya Giri
	Mr.Shashank Shekhar Dubey

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

3 06-12-2023 Heard the learned counsel for the petitioner as well
as learned APP for the State.

2. The petitioner apprehends his arrest in connection with Siwan Mahila P.S. Case No. 08 of 2023, registered for the offences punishable under Sections 354, 354(B), 323, 504, 506, 376, 511 of the Indian Penal Code.

3. As per allegation, when the informant along with her sister was returning to her house, the petitioner along with FIR named accused persons stopped them and started abusing her in filthy words. When her sister protested, the accused persons torn their clothes and tried to outrage their modesty. Further, on protest being made by their parents, co-accused



Lalbabu Rai abused them and assaulted with *danda*.

4. The learned counsel for the petitioner has submitted that the petitioner is a person of clean antecedent and has falsely been implicated in this case. As a matter of fact, the members of prosecution side were stealing *Amra* fruits from orchard of the petitioner and when he objected, he was falsely implicated in this case. He has submitted further that the witnesses in paragraph nos. 47 to 52 did not support the prosecution case. One of the accused persons namely Shubham Rai has been granted anticipatory bail by the court below itself.

5. On the other hand, the learned APP for the State Sri Shailendra Kumar assisted by the learned counsel for the informant have opposed the prayer for bail and submitted that both the victims have corroborated the entire occurrence in their statements recorded under Section 164 of the CrPC and one of the victims is a minor. The victims have stated specifically that the petitioner along with other accused persons misbehaved with the victims and abused them by calling their caste names. The petitioner has four criminal antecedents.

6. The petitioner is directed to surrender before the court below and make a prayer for bail.

7. I do not see any reason as to why the similar



benefit is not extended to the petitioner, if his case is found to be exactly similar to the co-accused Shubham Rai, in all respects.

8. With these observations, this petition is disposed of.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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