

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57278 of 2023

Arising Out of PS. Case No.-742 Year-2019 Thana- SUPAUL District- Supaul

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1. Ganga Prasad Sah @ Ganga Sah S/o Late Bhular Sah R/o Village- Ramduttipatti, Ward No. 8, P.S And Distt.- Supaul.
 2. Niraj Sah @ Niraj Kumar Sah S/o Ganga Prasad Sah R/o Village- Ramduttipatti, Ward No. 8, P.S And Distt.- Supaul.
 3. Dhiraj Sah S/o Ganga Prasad Sah R/O Village- Ramduttipatti, Ward No. 8, P.S And Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2023 Heard Mr. Nafisuzzoha, learned counsel appearing on behalf of the petitioners and Dr. Ajeet Kumar, learned APP appearing on behalf of the State.

2. Learned counsel appearing on behalf of the petitioners submitted that he has received instruction that the petitioner no.2 seeks to avail appropriate remedy before appropriate forum. Hence, the bail application in respect of petitioner no.2 Niraj Sah is dismissed as withdrawn.

3. The petitioner nos. 1 and 3 apprehend their arrest in connection with Supaul P.S. Case No. 742 of 2019 registered

under Sections 448, 354(B), 323, 341 and 379/34 of the Indian Penal Code.

4. The prosecution story, in brief, is that co-accused Niraj Sah (petitioner no.2) entered into the house of the informant and started misbehaving with her. He also tried to commit rape but the informant anyhow saved herself and raised alarm. The accused persons also assaulted the son of the informant and her other family members and snatched Rs.36,000/- from the informant. The informant sustained injury on her thigh and hand.

5. Learned counsel appearing on behalf of the petitioners submits that the petitioner nos. 1 and 3 have clean antecedent. Specific allegation of assault and outraging the modesty of the informant is against petitioner no. 2 namely, Niraj Sah. Petitioner Nos. 1 and 3 are alleged to be associated with the main co-accused Niraj Sah. Learned counsel further submits that charge sheet has not been submitted, as such allegation under Section 3(i)(r) of the SC/ST Act is not attracted so far as petitioner nos. 1 and 3 are concerned.

6. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Having considered the rival submission made on behalf of the parties as well as the fact that there is no specific allegation of assault or outraging the modesty of the informant against the petitioner nos. 1 and 3, charge sheet has not been submitted, as such allegation under Section 3(i)(r) of the SC/ST Act is not attracted against the petitioner nos. 1 and 3 and they have clean antecedent, the petitioner nos. 1 and 3 namely Ganga Prasad Sah and Dhiraj Sah are directed to be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M, Supaul in connection with Supaul P.S. Case No. 742 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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