

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59306 of 2023

Arising Out of PS. Case No.-311 Year-2021 Thana- CHOUTARWA District- West
Champaran

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1. Santosh Ram Son of Brijlal Ram Resident of Village- Mehodi, Ps- Chautarwa, District -WEST Champaran
 2. Sujeet Ram Son of Brijlal Ram Resident of Village- Mehodi, Ps- Chautarwa, District -WEST Champaran
 3. Brijlal Ram Son of Late Mahesh Ram Resident of Village- Mehodi, Ps- Chautarwa, District -WEST Champaran
 4. Bhuwal Ram Son of Amola Ram Resident of Village- Mehodi, Ps- Chautarwa, District -WEST Champaran
 5. Dhurendra Ram @ Dhulendra Ram Son of Bhuwal Ram Resident of Village- Mehodi, Ps- Chautarwa, District -WEST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-09-2023 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioners are named in the F.I.R. and
apprehended their arrest in connection with Choutarwa P.S.
Case No.311 of 2021 registered for the offences punishable
under Section 341, 323, 325, 307, 354(b), 379, 504, 384, 385
and 34 of the Indian Penal Code read with Section 8 of the
POCSO Act.



3. The allegation against the petitioners is to assault informant and others causing bodily injuries, where ransom of Rs. 2,00,000/- was also raised. It is further alleged that during the course of occurrence the minor daughter of the informant was sexually assaulted.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners have been falsely implicated with the present case out of property dispute, where main allegation of sexual assault is available against one co-accused Vishwajeet Ram, appears through statement of victim as recorded under Section 164 of the Cr.P.C. It is further pointed out that petitioners have been implicated only being co-villagers as they opposed the cause of informant. It is also pointed out that injuries available are on the non-vital part of the body. While concluding the argument it is submitted that petitioner nos. 2 and 5 are men of clean antecedent, whereas petitioner nos. 1, 3 and 4 each found involved in one more criminal case.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above as allegation regarding sexual assault is specifically available against co-accused Vishwajeet Ram,



where implication of these petitioners appears only being co-villager as they opposed the cause of informant, accordingly the petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-VII, West Champaran/concerned Court below where the case is pending in connection with Choutarwa P.S. Case No.311 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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