

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58192 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- BARABAR TOURIST District- Jehanabad

1. Ajit Kumar @ Ajeet Kumar, Male aged about 25 years son of Anand Thakur @ Nanku Thakur.
2. Vicky Kumar @ Vikky Kumar, Male aged about 20 years son of Anand Thakur @ Nanku Thakur.
3. Sonam Kumari, Female aged about 23 years daughter of Anand Thakur @ Nanku Thakur.
4. Geeta Devi @ Anita Devi, Female aged about 50 years wife of Anand Thakur @ Nanku Thakur.

All are resident of village- Hadail, Police Station- Barabar Paryatak (Bishunganj O.P.), District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-10-2023 Heard Mr. Abhishek, learned counsel appearing on behalf of the petitioners and Mr. Anil Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Barabar Paryatak P.S. Case No. 63 of 2023 dated 25.05.2023 registered for the offence punishable under Sections 341, 323, 354, 354-A, 354-B, 452, 504 and 506/34 of the Indian Penal Code.



3. As per the allegation made in the FIR, on 19.05.2023 petitioner entered into the house of the informant and tried to commit rape upon her and on protest he assaulted the informant and fled away. When the husband of the informant and other family members reached at the house of the petitioner, petitioner had assaulted on the head of the husband of the informant causing head injury. Petitioner Sonam Kumari had assaulted the informant causing head injury and petitioner Gita Devi had assaulted one of the family members of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioner nos. 1 and 2 are cousin brother-in-law of the informant, petitioner no. 3 is the unmarried cousin sister-in-law of the petitioner and petitioner no. 4 is the aunt of the husband of the informant. The allegation made in the FIR is due to previous enmity. The parties are having dispute with respect to passage, which has not been partitioned and both the parties as per the terms of mutual partition had agreed to enjoy the said passage but the informant side had obstructed the very requirement of the said passage which lead to the filing of the case and counter case between the parties. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.



5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submission made on behalf of the parties, the direct allegation is against petitioner no. 1, who has been alleged to have entered into the room of the informant and misbehaved with her with an intention to outrage the modesty, petitioner no. 1, namely, Ajit Kumar @ Ajeet Kumar, if so advised, may surrender before the District Court for grant of regular bail. The District Court is directed to consider the regular bail of the petitioner on the same day and pass necessary order in accordance with law on the basis of material collected in course of investigation.

7. So far as petitioners no. 2, 3 and 4 are concerned, I am of the opinion that they have, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioners no. 2, 3 and 4, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each, with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate Ist Class, Jehanabad, in connection with Barabar Paryatak P.S. Case



No. 63 of 2023 dated 25.05.2023, subject to the condition as
laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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