

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65576 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BARHARIA District- Siwan

Munna Kumar @ Munna Ram S/O Ravindra Ram R/O Village- Siyari Karn
(khurd), Ps. Barhariya, Distt. Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Barhariya P.S. Case No. 313 of 2022 dated 15.07.2022 instituted for the offence punishable under Sections 341, 363, 323, 354, 504/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 06.07.2022 at about 07.50 pm, the informant and her daughter had gone to field to attend call of nature. While returning, a white four wheeler vehicle came near them and three persons alighted from the vehicle while the petitioner and one other accused were inside the vehicle. They caught and closed the mouth of the informant's daughter and forcibly took away her in vehicle. On protest, they assaulted the informant and her



daughter. In the meantime, Sarita Devi came and told them to take away her daughter and outrage her modesty. Thereafter, they fled away taking the vehicle and tore the cloths of the informant's daughter and left her in injured condition.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the date of occurrence is 06.07.2022 while the present F.I.R. has been lodged on 15.07.2022 after nine days from the occurrence without giving any explanation. Learned counsel for the petitioner submits that the allegation levelled against the petitioner is general and omnibus. There is no specific allegation against the petitioner. Learned counsel for the petitioner submits that similarly situated co-accused Ajay sah @ Ajay Kumar Sah and Mannu Kumar @ Mannu Sah have been granted bail vide order dated 03.04.2023 passed by co-ordinate Bench of this Court which is mentioned as Annexure-2. Learned counsel for the petitioner submits that in the statement u/s 164 Cr.P.C., the victim has not disclosed the name of the petitioner. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Barhariya P.S. Case No. 313 of 2022, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- IIIrd, Siwan, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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