

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64395 of 2023**

Arising Out of PS. Case No.-746 Year-2015 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

Rampratap Sao @ Rampratap Gupta @ Raju Son Of Anugrah Sao Resident
Of Village - Dandai, P.S. - Dandai, District - Garhwa (JHARKHAND)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rukmini Devi Wife Of Mahendra Ram @ Mahendra Das Resident Of
Village - Palakia, P.S. - Madanpur, District - Aurangabad. Presently Residing
At Mohalla Dani Bigha, P.S. - Aurangabad (TOWN), District - Aurangabad
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amar Nath Singh, Advocate
For the Opposite Party/s	:	Mr.Kalyan Shankar, APP
For the complainant	:	Ms. Leelawati Kumari, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 20-12-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No.746 of 2015, Complaint dated 04.08.2015 registered for the offence punishable under Sections 323, 341, 379 and 354A of the IPC and Section (x)(ii) (iii) SC and ST Act, but the cognizance has been taken only under Section 323, 341, 354 and 379 of the Indian Penal Code.

3. The prosecution case, in short, is that complainant along with her family members were going to his village by tempo. When she reached near Rama-bandh bus stand, in the meanwhile, Rampratap Sao along with one unknown person



came riding over a motorcycle and stopped the tempo and started abusing her. Rampratap Sao pointed revolver to her Ear-pit and pulled her out of Tempo and assaulted her by fist and slaps; her mother-in-law and *gotni* tried to save her, but he assaulted them also and torn her blouse. She further alleged that Rampratap Sao snatched gold chain worth Rs.50 thousand from her neck. On hulla, people reached and then they fled away towards Daltonganj. The reason of this case is prior to this occurrence, the accused dashed his motorcycle with her at Gadhwa and people assaulted him for that and accused threatened her to teach lesson and commit this occurrence.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. Earlier the husband of the complainant Mahendra Ram who was SHO of the Meral Police Station, Garwa, Jharkhand filed a false case against the petitioner under Section 414 of the IPC and thereafter the petitioner is also filed a Misc. Case No.20/2006 against the husband of the complainant and due to this reason the present false case has been filed against the petitioner the learned court below after examined all aspects has not taken cognizance against the



petitioner under the SC/ST Act.

5. Learned counsel for the complainant on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner has stated in the bail petition that he carries one case but in fact she has received information under RTI which suggest that the petitioner is accused in four case cases other than the present one.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, VII, Aurangabad in connection with Complaint Case No.746 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.



(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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