

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65909 of 2022

Arising Out of PS. Case No.-203 Year-2022 Thana- TARIYANI CHOWK District- Sheohar

1. Lakhan Rai Son of Late Devnath Rai Resident of Village- Narwara, Ward No.-11, P.S.- Tariyani, District- Sheohar
2. Akhilesh rai Son of Sri Satan Rai Resident of Village- Narwara, Ward No.-11, P.S.- Tariyani, District- Sheohar
3. Shankar Rai Son of Late Devnath Rai Resident of Village- Narwara, Ward No.-11, P.S.- Tariyani, District- Sheohar
4. Abhay rai Son of Sri Lakhan Rai Resident of Village- Narwara, Ward No.-11, P.S.- Tariyani, District- Sheohar
5. Abhishek Kumar Son of Sri Lakhan Rai Resident of Village- Narwara, Ward No.-11, P.S.- Tariyani, District- Sheohar
6. Mantesh rai Son of Sri Satan Rai Resident of Village- Narwara, Ward No.-11, P.S.- Tariyani, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-04-2023 Heard Mrs. Vaishnavi Singh, learned counsel for the

petitioners and the State.

The petitioners are apprehending arrest in connection with Tariyani P.S. Case No. 203 of 2022 for the offence under Section 341, 323, 324, 354 (B)/34 of the I.P.C. and Sections 3,4, and 5 of the Bihar Dayan Act lodged 18.6.2022 on by the informant namely Sangita Devi.

The prosecution story, in brief, is that the informant,



Sangita Devi alleged that on 18.6.2022 while she was going to 'Dera' and reached in front of the house of Shankar Rai, she was abused by Shankar Rai, Mina Devi, Lakhan Rai, Anita Devi, Akhilesh Rai, Abhay Rai, Abhishek Kumar, Mantesh Rai saying 'Dayen'. On protest, allegation is that Abhishek Rai threw her down and administered dirty thing and forced her to consume it and also assaulted her with fist and slaps as also tried to outrage her modesty.

It has been contended by the learned counsel for the petitioners that both the accused as well as the informant are agnates, she being the sister-in-law of the petitioner no.1 and aunt of petitioner 4 and 5 and there is absolutely no question of abusing or assaulting her as alleged in the F.I.R.

She has taken this Court to Annexure-2 i.e. the medical report to show that the examination of the clothes do not show any stain of foreign materials on it. She as such submits that the allegation may have been exaggerated although, she concedes that the subsequent document shows some injury which are simple in nature.

The last submission is that the informant being their family member, irrespective of the outcome of the present case as also without accepting the allegation that has been made in



the F.I.R., they intend to contribute Rs. 10,000/- each (total 60,000/-) to the informant.

Learned APP opposes the prayer for bail stating that the kind of allegation that has come against the petitioners, they do not deserve bail. He however, concedes that the clothe of the informant does not match with the allegation as alleged.

Taking into account the aforesaid facts, although the allegation that has come is disturbing for the society which has crossed almost a quarter of the 21st century, considering the report of the medical examination of the lady where the clothe does not contain stain, the injury have been found to be simple in nature and the petitioners do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 60,000/- to the informant through the concerned Court.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar, in connection with Tariyani P.S. Case No. 203 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



Nothing recorded in the present petition shall be considered at the time of trial as the same has been observed only for the purpose of grant of anticipatory bail.

(Rajiv Roy, J)

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