

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68394 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- RAJEPUR District- East Champaran

1. Pawan Kumar Son of Harendra Ray R/V- Gosaipur, P.S- Rajepur, Dist- East Champaran, Motihari
2. Sujeet Kumar Son of Harendra Ray R/V- Gosaipur, P.S- Rajepur, Dist- East Champaran, Motihari
3. Harendra Ray @ Mahendra Ray Son of Bhiman Ray R/V- Gosaipur, P.S- Rajepur, Dist- East Champaran, Motihari
4. Bindeshwari Ray Son of Bhiman Ray R/V- Gosaipur, P.S- Rajepur, Dist- East Champaran, Motihari
5. Sanjeev Kumar Son of Suresh Ray R/V- Gosaipur, P.S- Rajepur, Dist- East Champaran, Motihari
6. Bindalal Prasad Yadav @ Binda Lal Ray Son of Bhiman Ray R/V- Gosaipur, P.S- Rajepur, Dist- East Champaran, Motihari
7. Gautam Kumar Son of Ajay Ray R/V- Gosaipur, P.S- Rajepur, Dist- East Champaran, Motihari
8. Ranjan Kumar @ Ravi Prakash Kumar Son of Sachitanand Ray R/V- Gosaipur, P.S- Rajepur, Dist- East Champaran, Motihari
9. Krishna Nandan Ray @ Krish Nandan Ray Son of Mahendra Ray R/V- Gosaipur, P.S- Rajepur, Dist- East Champaran, Motihari

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party : Ms/Mrs. Usha Kumari 1, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-03-2023

Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 354B,379,504,506/34 of the Indian Penal Code, sections 6, 8 and 12 of the POCSO Act and section (1)(r)(w) (VA) of the SC/ST Act.

Prosecution's case in short is that co-accused Prabhat Kumar and Om Prakash Kumar tried to commit rape upon sister of the informant. However she raised alarm and accused persons



ran away. It is further alleged that when the victim narrated this incident to the informant, accused persons became furious and called the petitioners and assaulted the informant by calling his caste name.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. From perusal of the FIR, it appears that at the place of incident, no member of public was present, as such, ingredient that the caste name must be uttered within public view, is not present in this case, so no case under the SC/ST Act is made out against these petitioners. Injuries caused by the petitioners have been found to be simple in nature by doctor. Besides this, now good sense has prevailed upon parties and have also entered into compromise.

Considering the aforesaid facts of the case, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge VII cum Special Judge, POCSO Act Motihari, East Champaran in Rajepur Police Station Case No. 104 of 2022, subject to the conditions laid down under sections 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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