

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74260 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- BELAGANJ District- Gaya

1. Umesh Ram @ Umesh Das Son Of Mahavir Ram @ Mahavir Das Resident Of Village- Akathu, Post- Chakand, P.S.- Belaganj, District- Gaya (BIHAR)
2. Sabita Devi Wife Of Umesh Ram @ Umesh Das Resident Of Village- Akathu, Post- Chakand, P.S.- Belaganj, District- Gaya (BIHAR)
3. Anand Kumar Son Of Rajesh Ram @ Rajesh Das Resident Of Village- Akathu, Post- Chakand, P.S.- Belaganj, District- Gaya (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Belaganj P.S. Case No. 299 of 2023 dated 18.05.2023 registered for the offences punishable u/ss 376, 323, 341, 504, 307 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the co-accused Chandan Kumar established physical relationship with the informant on the pretext of marriage. It is further alleged that the petitioners and the co-accused persons armed with *lathi* and *danda* came and started abusing and assaulting the informant.



Thereafter, the co-accused Chandan Kumar assaulted the informant with *lathi* on his head due to which she sustained injury and the accused persons also tried to kill her.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that there is no allegation of rape against the petitioners rather the specific allegation of establishing physical relationship is against the co-accused Chandan Kumar. Learned counsel has further submitted that the petitioners are made accused in this case only because of the petitioner no. 1 is the father, the petitioner no. 2 is the mother and the petitioner no. 3 is the cousin of the co-accused Chandan Kumar. As per injury report of the informant, the injuries are simple in nature. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail 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 court concerned, Gaya in connection with Belaganj P.S. Case No. 299 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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