

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80848 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- MAHILA P.S. District- Samastipur

1. Bipat Das @ Vipat Das Son Of Late Anup Das Resident Of Village - Chand Chaur, Mathurapur, P.S. - Ujaiyarpur, District - Samastipur
2. Sanjay Das Son Of Late Anup Das Resident Of Village - Chand Chaur, Mathurapur, P.S. - Ujaiyarpur, District - Samastipur
3. Umesh Das Son Of Late Anup Das Resident Of Village - Chand Chaur, Mathurapur, P.S. - Ujaiyarpur, District - Samastipur
4. Mukesh Das Son Of Bipat Das Resident Of Village - Chand Chaur, Mathurapur, P.S. - Ujaiyarpur, District - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Raj

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-12-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. Learned counsel for the petitioners seeks
permission to withdraw this application with regard to petitioner
no. 4 submitting that during pendency of this application the
petitioner no. 4 has already been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application with regard to
petitioner no. 4 is dismissed as withdrawn.



5. Now, this application is being heard only with regard to petitioners no. 1, 2 and 3.

6. Heard learned counsel for the petitioners and learned A.P.P. for the State.

7. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 376, 341, 323, 354(B), 504, 506, 34 of the Indian Penal Code.

8. As per the prosecution case, allegation against the petitioners is that they have abused and assaulted the informant.

9. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. He further submits that there is specific allegation against co-accused, Rajesh Kumar, and the petitioners are his family members. He also submits that the statement of the victim was recorded under Section 164 of Cr.P.C., in which she has disclosed that when she went to throw dung in the field, co-accused, Rajesh Kumar, came there and pressed her mouth and forcibly climbed upon and tried to commit rape upon her. Petitioners have no



criminal antecedent as mentioned in para-3 of this application.

10. Learned APP for the State opposes prayer for anticipatory bail.

11. Having regard to the facts and circumstances of the case, let the above named petitioners no. 1, 2 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Samastipur Mahila P.S. Case No.69 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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