

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20055 of 2024

Arising Out of PS. Case No.-179 Year-2022 Thana- MADHEPUR District- Madhubani

1. RAGHUNANDAN RAM SON OF RAMJI RAM RESIDENT OF VILLAGE - BANKI, MADHEPUR, DISTRICT - MADHUBANI, BIHAR - 847408
2. RAGHUVIR RAM SON OF RAMJI RAM RESIDENT OF VILLAGE - BANKI, MADHEPUR, DISTRICT - MADHUBANI, BIHAR - 847408
3. SHANKAR RAM @ SHANKAR KR RAM SON OF RAGHUNANDAN RAM RESIDENT OF VILLAGE - BANKI, MADHEPUR, DISTRICT - MADHUBANI, BIHAR - 847408

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Jha, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Madhepur P.S. Case No. 179 of 2022 registered under Sections 341, 323, 354(B), 504 and 506 of the Indian Penal Code lodged on 03.09.2022 by the informant, Mamta Devi.

3. As per the prosecution story, the lady has alleged that in an inebriated state, the petitioner no. 3, Shankar Ram @ Shankar Kumar Ram entered her house and tried to outrage her modesty. Anyhow she forced them to leave the place, informed



her family members and when confronted, Shankar Ram 's family assaulted which followed the FIR.

4. Learned counsel for the petitioners submits that so far as petitioner nos. 1 & 2, Raghunandan Ram & Raghuvir Ram are concerned, omnibus allegation of assault is on record. Further, it is not on record whether they went to the hospital and/or any injury was there. The only black spot is the criminal antecedents against them.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that so far as petitioner no. 3, Shankar Ram @ Shankar Kumar Ram is concerned, the specific allegation of outraging the modesty of the informant is there. The two petitioners, namely, Raghunandan Ram & Raghuvir Ram have also assaulted the informant.

6. Considering the submissions put forward by the parties as also the fact that there is omnibus allegation against the petitioner nos. 1 & 2, Raghunandan Ram & Raghuvir Ram and the injury report is not on record, this Court is inclined to grant them privilege of anticipatory bail.

7. Let the petitioner nos. 1 & 2, namely, Raghunandan Ram & Raghuvir Ram respectively in the event of



arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions's Judge-1, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No. 179 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner nos. 1 & 2 who shall provide official document to show his/her *bona fide*;

(ii) the petitioner nos. 1 & 2 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner nos. 1 & 2 shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner nos. 1 & 2 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioner nos. 1 & 2 shall desist from



committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. So far as petitioner no. 3, Shankar Ram @ Shankar Kumar Ram is concerned, there is direct allegation of outraging the modesty of the informant after entering her house and in that background, no relief can be granted to him.

9. Accordingly, the anticipatory bail of petitioner no. 3, Shankar Ram @ Shankar Kumar Ram stands rejected.

(Rajiv Roy, J)

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