

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20746 of 2024

Arising Out of PS. Case No.-256 Year-2023 Thana- MUFFASIL District- Aurangabad

1. Chhotu Kumar Son of chandraman Yadav Resident of vill.-Saheya, P.S.-Muffasil, Distt.-Aurangabad
2. Pappu Kumar Son of Balendra Yadav Resident of vill.-Saheya, P.S.-Muffasil, Distt.-Aurangabad
3. Ravi Kumar Son of Mukesh Yadav Resident of vill.-Saheya, P.S.-Muffasil, Distt.-Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

02. In the present case, the petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 256 of 2023 arising out of Complaint Case No. 465 of 2023, registered for the alleged offence under Sections 341, 342, 457, 379, 504, 376/511 of the Indian Penal Code.

03. As per prosecution case, the petitioners entered into the house of the complainant and sexually assaulted her and also tried to commit rape with her. The petitioners further assaulted the parents-in-law of the complainant. The petitioners also took away gold *Mangal Sutra* worth of Rs. 35,000/-, gold earring worth of



Rs. 45,000/- and two gold rings worth of Rs. 20,000/- from the complainant. The father of petitioner no. 1 assaulted the child of the informant.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners are brothers-in-law of the complainant and they have been made accused in this case on account of existing land dispute. The mother of petitioner no. 2 has also lodged a case under Sections 147, 149, 323, 341, 342, 380, 452, 307 of the IPC and Section 27 of the Arms Act against the informant and his family members. The allegation of sexual assault is completely false and concocted and the prosecution story is not believable in the given facts and circumstances. For this reason, no offence under Section 376/511 of IPC is made out against the petitioners. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter version and further considering the relationship of the parties and also considering the possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight



weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Muffasil P.S. Case No. 256 of 2023 arising out of Complaint Case No. 465 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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