

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28422 of 2024

Arising Out of PS. Case No.-849 Year-2023 Thana- COMPLAINT CASE District- Jamui

1. Prakash Singh Son of Late Budhan Singh Resident of Village- Mahugay, P.S.- Jamui, Dist.- Jamui
2. Mukesh Singh @ Mukesh Kumar Singh @ Mukesh Kumar Son of Prakash Singh Resident of Village- Mahugay, P.S.- Jamui, Dist.- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Rita Devi Wife of Jitendra Singh Resident of Village- Mahugay, P.S.- Jamui, Dist.- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satya Prakash Parasar, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Mishra, Adv.
For the State	:	Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Complaint Case No. 849C/2023 dated 30.05.2020 registered for the offences punishable u/ss 341, 323, 506, 504, 509, 354B of the Indian Penal Code.

3. As per the prosecution case, when the Complainant was sleeping in her house and other family members went outside of the house then finding her alone, the petitioner, Mukesh Singh having pistol in his hand with intent to commit



rape entered her house and began to remove her cloth, the Complainant awoke abruptly but the petitioner, Mukesh Singh tried to commit rape on her. Meanwhile, the Complainant raised alarm then persons nearby rushed then the petitioner, Mukesh Singh fled away. Thereafter, the Complainant's family members went to the house of the accused persons to complain, the petitioner, Prakash Singh and the other co-accused persons assaulted and abused the Complainant's side.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is a partition dispute pending between both the parties. It is further submitted that the present case has been filed only with a view to exert pressure upon the petitioners and also to compromise the case instituted by the petitioners' side in the year 2020 vide Jamui P.S. Case No. 283 of 2020. No offence under Section 354B of the Indian Penal Code is made out against the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the informant have 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, Jamui in connection with Complaint Case No. 849C/2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following condition -

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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