

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27461 of 2024

Arising Out of PS. Case No.-1104 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Raju Paswan @ Rajib Paswan son of Ganesh Paswan Vill- Keria Mahgama Ps- Kahalgeon Dist- Bhagalpur
2. Kiran Devi wife of Raju Paswan Vill- Keria Mahgama Ps- Kahalgeon Dist- Bhagalpur
3. Angari Devi @ Anguri Devi wife of Ganesh Paswan Vill- Keria Mahgama Ps- Kahalgeon Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Kahalgaon P.S. Case No. 1104 of 2023 for the offence under Sections 354(A), 354(B), 341, 323, 379 and 34 of the I.P.C. and Section 8 of the POCSO Act lodged on 20.09.2023 by the informant, Rabita Devi.

3. As per the prosecution story, the informant alleged that on the fateful day, the petitioner No. 1 came, caught her forcefully, assaulted and tried to outrage the modesty. The allegation of assault is also on the petitioner Nos. 2 and 3. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are next door neighbour, due to minor dispute, the case came to be lodged and it is an exaggerated FIR.



5. Learned APP pointed out that so far as the petitioner no. 1 is concerned beside the assault, outraging the modesty and an attempt of rape of the minor daughter is also against him.

6. Taking into account the allegation that has come against the petitioner no. 1 (Raju Paswan @ Rajib Paswan) his anticipatory bail application stands rejected.

7. So far as the petitioner no. 2 (Kiran Devi) and petitioner no. 3 (Angari Devi @ Anguri Devi) are concerned, omnibus allegation of assault is only against them, both are ladies and having no criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail with conditions.

8. Let the petitioner no. 2 (Kiran Devi) and petitioner no. 3 (Angari Devi @ Anguri Devi) be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-7th Cum Special Judge, POCSO Court, Bhagalpur in connection with Kahalgaon P.S. Case No. 1104 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of petitioner no. 2 (Kiran Devi) and petitioner no. 3 (Angari Devi @ Anguri Devi) who shall provide official document to show their



bona fide;

(ii) the petitioner no. 2 (Kiran Devi) and petitioner no. 3 (Angari Devi @ Anguri Devi) 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 no. 2 (Kiran Devi) and petitioner no. 3 (Angari Devi @ Anguri Devi) 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 the bail bonds;

(iv) the petitioner no. 2 (Kiran Devi) and petitioner no. 3 (Angari Devi @ Anguri Devi) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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