

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34674 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- DHANSOI District- Buxar

1. Upendra Kumar SON OF SUMESHWAR SINGH RESIDENT OF VILLAGE- KATHRAI, PS- DHANSOI, DIST- BUXAR
2. DHARI KUMAR @ RAJADHARI SINGH SON OF MUNILAL RESIDENT OF VILLAGE- KATHRAI, PS- DHANSOI, DIST- BUXAR
3. SAROJ KUMAR @ SAROJ KUMAR SINGH SON OF LATE KESHO RESIDENT OF VILLAGE- KATHRAI, PS- DHANSOI, DIST- BUXAR
4. AZAD KUMAR SON OF LATE SHIVMUNI RESIDENT OF VILLAGE- KATHRAI, PS- DHANSOI, DIST- BUXAR
5. MUNNA KUMAR SON LATE SHIVMUNI RESIDENT OF VILLAGE- KATHRAI, PS- DHANSOI, DIST- BUXAR
6. RAMNATH @ RAMNATH SINGH SON OF LATE SHIVDAHIN RESIDENT OF VILLAGE- KATHRAI, PS- DHANSOI, DIST- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha 1, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-07-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Dhansoi P.S. Case No. 14 of 2024 for the offence registered under sections 341, 323, 325A, 354B, 379, 504, 506 and 34 of the Indian Penal Code and sections 8 and 12 of the POCSO Act lodged on 25.01.2024 by the informant, Rahuli Kumar.



3. As per the prosecution story, the informant alleged that while she was in her agricultural field, the accused persons came and tried to outrage her modesty, upon her shout, the family members came there when allegation is that these petitioners assaulted them and Narendra Kumar broke the teeth, the informant and her family members rushed to the home which followed the F.I.R.

4. Learned Counsel for the petitioners submit that a perusal of the F.I.R. would show that the occurrence is of 21.01.2024 while the F.I.R. has been lodged on 25.01.2024 and the only fact that has been incorporated that due to being busy in some other work, the F.I.R. could not be lodged. He submits that omnibus allegation is there and given a chance, they will be diligently appearing in trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that though omnibus, the allegation of assault is there against the family members and the case diary also support the prosecution story.

6. Taking into account the submissions put forward by the parties as also the delay in lodging of the F.I.R., the allegation is/are omnibus in nature, this Court is inclined to extend them privilege of anticipatory bail.



7. Let the petitioners 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 District & Sessions Judge-VI-cum-Special Court, POCSO Act, Buxar in connection with Dhansoi P.S. Case No. 14 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners 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 petitioners 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)

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