

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36837 of 2024

Arising Out of PS. Case No.-530 Year-2023 Thana- LAHERIYASARAI District- Darbhanga

1. Md. Munna @ Munna Son Of Md. Hira @ Hira, Resident Of Village - Dumduma, P.S. - Laheriasarai, District - Darbhanga.
2. Md. Hira @ Hira Son Of Md. Ibrahim, Resident Of Village - Dumduma, P.S. - Laheriasarai, District- Darbhanga.
3. Md. Raja Son Of Md. Hira @ Hira, Resident Of Village - Dumduma, P.S. - Laheriasarai, District - Darbhanga.
4. Md. Chunna @ Chunna Son Of Md. Hira @ Hira, Resident Of Village - Dumduma, P.S. - Laheriasarai, District - Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Jitendra Bharti, Advocate
For the Opposite Party : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-10-2024 Heard Mr. Jitendra Bharti, the learned counsel for the petitioners and Mr. Ram Sumiran Rai, the learned Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seek permission to withdraw the anticipatory bail application with respect to petitioner no. 3 namely, Md. Raja.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with respect to petitioner no. 3, namely, Md. Raja is dismissed as withdrawn.



5. The petitioner nos. 1, 2 & 4 are apprehending their arrest in connection with Laheriasarai PS Case No. 530 of 2023, FIR dated 14.11.2023, registered for the offences punishable under Sections 341, 323, 354(B), 504, 506, 354(D), 427, 307, 448 and 379 read with Section 34 of the Indian Penal Code.

6. According to the prosecution case, the petitioners tried to commit rape upon the informant and upon her protest, when her father came to her rescue, they assaulted her father and her other family members. It is further alleged that the co-accused persons entered into the house of informant and took away a briefcase containing ornaments worth Rs. 30,000/- (Rupees thirty thousand only).

7. Learned counsel for the petitioner nos. 1, 2 & 4 submits that petitioner nos. 1, 2 & 4 have clean antecedent and they have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is specific allegation against the co-accused person namely, Md. Hira that he has assaulted Md. Hashim, however, there is no injury report available on record which suggests that Md. Hashim has received any injury. He further submits that due to previous dispute (land dispute), the present occurrence has taken place.



8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner nos. 1, 2 & 4.

9. Considering the aforesaid facts and circumstances and mainly the facts that petitioner nos. 1, 2 & 4 have clean antecedent, although there is specific allegation against petitioner no. 2 namely, Md. Hira, but there is no injury report available on record which suggests that informant's father has received any injury, let the petitioner nos. 1, 2 & 4, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, District Darbhanga, where the case is pending in connection with **Laheriasarai PS Case No. 530 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner nos. 1, 2 & 4 shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their



absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner nos. 1, 2 & 4 tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner nos. 1, 2 & 4 and in case, at any stage, it is found that the petitioner nos. 1, 2 & 4 have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner nos. 1, 2 & 4. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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