

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33766 of 2024

Arising Out of PS. Case No.-125 Year-2022 Thana- PIYAR District- Muzaffarpur

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1. Deepak Kumar Son of Shivchandra Ram @ American Ram Resident of Village- Patsara, Ward No- 08, P.S- Piya, Dist-Muzaffarpur
 2. Shambhu Ram Son of Nagendra Ram Resident of Village- Patsara, Ward No- 08, P.S- Piya, Dist-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Veena Devi W/o Baiju Ram R/o vill - Patsara, Ward No. 8, P.S. - Piya, Distt. - Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-08-2024 1. Heard learned counsel for the petitioners, Mr. Chandra Bhushan Prasad learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 342, 354(B), 504, 506 and 34 of the Indian Penal Code as well as Sections 8 and 12 of the POCSO Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and are agnates of the husband of the informant.

4. The informant alleges that the accused persons including the petitioners intercepted her minor daughter aged



about 14 years and tied her hands, gagged her mouth and took her in a vehicle with an intention to gang rape. On alarm, the informant reached near the car when the accused persons fled away. Further, when she went to complain to the family member of the accused, they abused and assaulted her.

5. Learned counsel for the petitioners submits that the allegation as alleged in the FIR does not inspire confidence. It is further submitted that it absolutely does not stand to reason that if four persons had any intention of committing gang rape of the victim then why they would have fled away from the place of occurrence on arrival of her mother. It is next submitted that petitioners are agnates of the husband of the informant which would manifest from the fact that the victim in her statement recorded under Section 164 Cr.P.C. has stated that petitioners are distantly related. It is also submitted that the date of occurrence is 01.06.2022 and the FIR came to be instituted on 08.06.2022 i.e. after a delay of seven days of the occurrence without any plausible explanation. It is further submitted that on account of dispute relating to land, the petitioners were implicated with general and omnibus allegation. It is next submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.



6. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners but then learned counsel appearing on behalf of the informant is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that informant concealing the relationship instituted the instant FIR.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Piyar P.S. Case No. 125 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioners despite giving assurance to this Court are not cooperating in the investigation or are not presenting themselves as and when required by the investigating officer,



the learned court below shall be at liberty to cancel the bail
bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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