

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41150 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- DHANARUA District- Patna

Rahul Kumar @ Rahul Raj Sharma @ Loha Singh son of Late Sidh Nath
Sharma Village- Neema Ps- Dhanarua Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP
For the Informant : Mr.Surendra Kumar Mishra, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-07-2024 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with
Dhanarua P.S. Case No. 42 of 2024 instituted for the offences
under Sections 341, 323, 325, 307, 379, 354B, 504, 506/34 of
the Indian Penal Code.

3. Prosecution case, in short, is that the petitioner
along with other co-accused person entered the house of the
informant and tried to outrage the modesty of the informant and
her sister on gunpoint. When the informant and her sister raised



an alarm, the accused persons assaulted them and broke their hands and legs. It is further alleged that the accused persons also snatched golden ornaments and also threatened them for dire consequences.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that informant is the own cousin/niece of the petitioner and there is land dispute between the parties. The co-accused person has already been granted bail by this Bench vide order dated 03.07.2024 passed in Cr. Misc. No. 45164 of 2024. Charge-sheet has been submitted under Section 341, 323, 325, 307, 354B, 504, 506, 34 of the Indian Penal Code. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.03.2024 and has nine criminal antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State referring to paragraph no. 16 of the case diary submitted



that independent witnesses have supported the prosecution version. Learned counsel appearing on behalf of the informant submitted that petitioner is a veteran criminal having nine criminal antecedent and, therefore, the petitioner does not deserve the privilege to be released on bail.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhanarua P.S. Case No. 42 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) The petitioner shall not threaten the informant or her family members or to the witnesses during the course of the



trial. In case the petitioner threatens the informant or her family members or the witnesses, the prosecution will have liberty to move for cancellation of bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

