

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42501 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- SAUR BAZAR District- Saharsa

1. Neelam Devi Wife of Anoj Malakar Village- Madhura, Ward No. 4 Ps- Sourbazar, Dist- Saharsa
2. Anoj Malakar Son of Shanichar Malakar Village- Madhura, Ward No. 4 Ps- Sourbazar, Dist- Saharsa
3. Vijay Malakar Son of Anoj Malakar Village- Madhura, Ward No. 4 Ps- Sourbazar, Dist- Saharsa
4. Manish Malakar @ Manish Kumar Son of Angad Malakar Village- Madhura, Ward No. 4 Ps- Sourbazar, Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kailash Sah Son of Puran Sah Village- Madhura, Ward No. 4 PS- Sourbazar, Dist- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.
For the State : Mr.Sanjay Kumar Tiwary, APP
For the Informant : Mr. Diwakar Pd. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State as also counsel for the O.P. No.2. Perused the case diary.

2. The petitioners apprehend their arrest in connection with Sour Bazar P.S. Case No. 134 of 2024 registered for the offences punishable under Sections 341, 323, 504, 506, 34 of



the Indian Penal Code and Section 12 of the POCSO Act.

3. As per prosecution case, the accusation against the co-accused Ranjeet Malakar is of attempting to commit rape upon the minor daughter of the Informant, who is alleged to be of four years of age at the time of occurrence. The allegation has been made against the petitioners of assaulting the Informant by means of *lathi-danda*.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. There is a case and counter case. It is submitted that the date of occurrence is 11.02.2024 but, the F.I.R. was lodged on 14.02.2024 i.e. after delay of three days without any plausible explanation for such an inordinate delay. It is further submitted that so far as the allegation made against the petitioners is concerned, there is no injury report. It is further alleged that the specific allegation of attempting to commit rape is on co-accused Ranjit Malakar. There is no medical report in the present case as the parents of the victim refused for the medical test. There is no direct or indirect evidence against the petitioners. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail



application.

5. Learned A.P.P. for the State and the Informant have vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the entire facts and circumstances of the case and taking into account 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 Sour Bazar P.S. Case No. 134 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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