

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46113 of 2024

Arising Out of PS. Case No.-292 Year-2023 Thana- TARIYANI CHOWK District- Sheohar

1. Roopkali Devi W/o Fudeni Sahani RESIDENT OF VILLAGE RAJADIH WARD NO. 14, P.S.- TARIYANI, DISTRICT-SHEOHAR
2. Arjun Kumar S/o Fudeni Sahani RESIDENT OF VILLAGE RAJADIH WARD NO. 14, P.S.- TARIYANI, DISTRICT-SHEOHAR
3. Raj Kumar @ Rambha Kumar S/o Fudeni Sahani RESIDENT OF VILLAGE RAJADIH WARD NO. 14, P.S.- TARIYANI, DISTRICT-SHEOHAR
4. Ramparvesh Kumar S/o Fudeni Sahani RESIDENT OF VILLAGE RAJADIH WARD NO. 14, P.S.- TARIYANI, DISTRICT-SHEOHAR

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar, Advocate
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Tariyani P.S. Case No. 292 of 2023 instituted under Sections 323, 341, 354, 354(B), 379, 447, 504, 506 & 34 of the Indian Penal Code and section 12 of POCSO Act lodged on 18.12.2023 by the informant, Nandkishore Sahani.

3. As per the prosecution story, the informant alleged that Rambha Kumar, son of Fudeni Sah used to disturb his minor daughter regularly. When she shouted and his son, Raju Kumar came, the accused Rambha Kumar disappeared. When



they went to the house of the accused persons and complained, all the accused persons started abusing and also assaulted his son Raju Kumar. Further allegation is of outraging the modesty of the wife which followed the FIR.

4. Learned counsel for the petitioners submit that these petitioners have no role to play, the main allegation is against Rambha Kumar who is not before this Court. Further, there is no injury report on record.

5. Mr. Jitendra Kumar Singh, learned APP submits that a false statement is being made that Rambha Kumar son of Fudeni Sah is not before this Court, the petitioner no.3 has been given the name of Raj Kumar @ Rambha Kumar son of Fudeni Sahani and he is the same accused who used to disturb the minor girl of the informant.

6. Learned counsel for the petitioners, Mr. Lokesh Kumar tried to differentiate between Raj Kumar and Rambha Kumar. Upon query, whether in the accused sections, there are two different persons with names Rambha Kumar, his answer is in negative.

7. From the aforesaid facts, it is clear that Mr. Lokesh Kumar tried to mislead this Court by submitting that Raj Kumar @ Rambha Kumar is different from Rambha Kumar and



are two different persons. The name of petitioner no.3 clearly shows as Raj Kumar @ Rambha Kumar, son of Fudeni Sahani. So far as the other accused persons namely Roopkali Devi, Arjun Kumar and Ramparvesh Kumar (petitioner nos. 1, 2 and 4) are concerned, omnibus allegation of abuse/assault is/are there, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

8. So far as the accused no.3 Raj Kumar @ Rambha Kumar son, of Fudeni Sahani is concerned, it was he who used to disturb the minor girl which resulted into the abuse/assault followed by the FIR. This Court rejects the anticipatory bail of the petitioner no.3 Raj Kumar @ Rambha Kumar.

7. Let the petitioners Roopkali Devi, Arjun Kumar and Ramparvesh Kumar (petitioner nos. 1, 2 and 4 respectively) be released on bail, in the event of their arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Tariyani P.S. Case No. 292 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Sheohar subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.



(i) one of the bailor should be the family member/relative of the Roopkali Devi, Arjun Kumar and Ramparvesh Kumar (petitioner nos. 1, 2 and 4 respectively) who shall provide official document to show his/her bona fide;

(ii) Roopkali Devi, Arjun Kumar and Ramparvesh Kumar (petitioner nos. 1, 2 and 4 respectively) 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) Roopkali Devi, Arjun Kumar and Ramparvesh Kumar (petitioner nos. 1, 2 and 4 respectively) shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) Roopkali Devi, Arjun Kumar and Ramparvesh Kumar (petitioner nos. 1, 2 and 4 respectively) 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 the bail bonds;

(Rajiv Roy, J)

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