

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48611 of 2024

Arising Out of PS. Case No.-292 Year-2017 Thana- PAHARPUR District- East Champaran

1. Ajay Kumar @ Ajay Prasad Son of Krishna Prasad R/O Vill.- Matiyarwa, P.S.- Paharpur, Dist.- East Champaran
2. Jaylal Yadav Son of Bhagelu Yadav R/O Vill.- Khalwa Gahiri, P.S.- Jagdishpur, Dist.- East Champaran
3. Shivpujan Sah Son of Mithu Sah R/O Vill.- Khalwa Gahiri, P.S.- Jagdishpur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-08-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Paharpur P.S. Case no. 292 of 2017, registered under sections 376, 147, 149, 341, 323, 354B, 379, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the seven named accused persons including the three petitioners herein came variously armed and assaulted the informant's father-in-law. Thereafter, it is stated that they entered the house of the informant, assaulted and misbehaved



with the lady members of the family, committed rape as also made an attempt to commit rape on others.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. Besides the allegations being general and omnibus in nature, for an occurrence alleged to have taken place on 20.8.2017, the matter was reported to the police only after a delay of 56 days on 15.10.2017. It is further submitted that even in the supervision report, the allegation under section 376 of the Indian Penal Code and other sections have not been found to be correct and a number of co-accused have been enlarged on regular bail as also anticipatory bail. The petitioners have no criminal antecedent and charge-sheet has not been submitted against the petitioners yet.

5. The application for anticipatory bail is opposed by learned A.P.P for the State, who submits that besides the petitioners being named in the FIR, there is direct allegation against them and the instant application for anticipatory bail has been moved more than six and a half years after the registration of the FIR on 15.10.2017.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners



in the F.I.R together with the delay in moving the application for anticipatory bail, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.

7. The petitioners are directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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