

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54428 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- HARSIDHI District- East Champaran

Rupesh Ram @ Rupesh Kumar Ram S/o- Vikrama Ram Village- Pakriya tola
kubra ward no 16, Ps- Harsidhi Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 55472 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- HARSIDHI District- East Champaran

1. Vikrama Ram S/o Late Lotan Ram R/o vill - Pakriya Tola Kubra, ward no. 16, P.S. - Harsidhi, Distt. - East Champaran, Motihari
2. Phool Kumari Devi @ Phool Kumari W/o Vikrama Ram R/o vill - Pakriya Tola Kubra, ward no. 16, P.S. - Harsidhi, Distt. - East Champaran, Motihari
3. Mukesh Ram @ Mukesh Kumar Ram S/o Vikrama Ram R/o vill - Pakriya Tola Kubra, ward no. 16, P.S. - Harsidhi, Distt. - East Champaran, Motihari
4. Renu Devi W/o Mukesh Ram @ Mukesh Kumar Ram R/o vill - Pakriya Tola Kubra, ward no. 16, P.S. - Harsidhi, Distt. - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 54428 of 2024)
For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr.Rajiv Nayan
(In CRIMINAL MISCELLANEOUS No. 55472 of 2024)
For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-08-2024 1. Both these anticipatory bail applications arise out of the

same case, as such, with the consent of the parties, both

these applications are heard together and are being



disposed by this common order.

2. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
3. These applications, for grant of anticipatory bail, arise out of Harisidhi Police Station Case No. 173 of 2024, dated 28.03.2024, disclosing offences punishable under Sections 341/323/376/504/34 of the Indian Penal Code.
4. The prosecution case, as per the First Information Report, is that on 21.03.2024, at about 11 AM, the petitioner Rupesh Ram came to the house of the informant and sent her father to bring some article and finding her alone in the house, committed rape upon her and when the informant opposed, the petitioner Rupesh Ram assaulted her. When the husband of the informant came to the house in the evening, she narrated the entire occurrence to him, after which the husband of the informant, along with the informant, went to the house of the petitioner to enquire in to the matter, but all the four petitioners of Criminal Misc. No. 55472 of 2024 assaulted her and tried to burn her.
5. Learned Counsel for the petitioners submits that the petitioners are innocent and have not committed any



offence in the manner alleged. He further submits that the petitioners are the agnates and next door neighbour of the informant and there is dispute between them for a road and the informant has blocked their ingress and egress, for which several panchayati had also been held. He further submits that the petitioners of Criminal Misc. No. 55472 of 2024 are the family members of petitioner Rupesh Ram.

6. On the other hand, learned Additional Public Prosecutor vehemently opposed the prayer for bail and submits that the informant, in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, has supported the allegations levelled in the First Information Report and the offence is serious in nature.
7. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is serious and direct allegation of rape upon the petitioner Rupesh Ram, I am not inclined to grant the petitioner Rupesh Ram privilege of anticipatory bail.
8. Criminal Misc. No. 54428 of 2024 is, accordingly, dismissed.
9. So far as the petitioners of Criminal Misc. No. 55472 of



2024 are concerned, considering the fact that there is general and omnibus allegation against them, I am inclined to grant them privilege of anticipatory bail.

10.Criminal Misc. No. 55472 of 2024 is, accordingly, allowed.

11. Let the petitioners of Criminal Misc. No. 55472 of 2024, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, East Champaran, at Motihari, in connection with Harisidhi Police Station Case No. 173 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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