

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55205 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- KHUDAGANJ District- Nalanda

1. Ramji Yadav Son Of Sakaldip Yadav Village- Arjun Serthua Dih, Ps- Khudaganj, Dist- Patna
2. Sakaldip Yadav Son Of Late Munsu Yadav Village- Arjun Serthua Dih, Ps- Khudaganj, Dist- Patna
3. Mithilesh Yadav Son Of Sakaldip Yadav Village- Arjun Serthua Dih, Ps- Khudaganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 448, 341, 342, 323, 354B and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners have antecedent of one case and the informant alleges that Parvesh entered her house and tried to commit rape, on alarm her husband who was sleeping in the house came out, when Parvesh fled, thereafter the informant along with her husband went to house of Parvesh to complain when it is alleged



that Ramji (Petitioner No. 1) and Sakaldip (Petitioner No. 2) removed her sari and Mithilesh (Petitioner No. 3) torn her blouse, further Ramji assaulted her husband by rod causing injury on head, thereafter Pradeep assaulted her unconscious husband by an iron rod causing injury on head, further Mithilesh assaulted her father-in-law by an iron rod causing injury on head.

4. Learned counsel for the petitioners submits that petitioner have been falsely implicated in the instant case. It is next submitted that from the side of the petitioners Khudaganj PS Case No. 56 of 2024 has been instituted with an allegation that on account of dispute relating to laying of bricks, the occurrence took place but then the informant of the present case in order to give seriousness to the case falsely alleged that Parvesh tried to commit rape. It is next submitted that allegation of assaulting the husband and father-in-law of the informant is alleged in the FIR, but then from perusal of the injury report of the husband and the father-in-law of the informant (Annexure -3), it would manifest that the injury suffered by them is simple in nature. It is also submitted that both sides assaulted each other and from the side of the petitioners also people suffered injury. It is next submitted that petitioners will not abscond rather will



cooperate in the investigation and in the event, if the charge-sheet is submitted, they will cooperate also in the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Khudaganj P.S. Case No. 55 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners. Further, if the charge-sheet is submitted and learned trial court comes to a conclusion that petitioners are trying to delay the trial in any



manner, in that event the learned trial court shall be at liberty to
cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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