

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67865 of 2024

Arising Out of PS. Case No.-592 Year-2023 Thana- DARIYAPUR District- Saran

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1. Narsing Ram @ Narshih Ram Son of Narayan Das @ Narayan Ram Resident of Vill- Akbarpur, PS- Dariyapur, District- Saran at Chapra (Bihar)
 2. Sharda Devi @ Shardha Devi Wife of Narsing Ram @ Narshing Ram Resident of Vill- Akbarpur, PS- Dariyapur, District- Saran at Chapra (Bihar)
 3. Neha Kumari Daughter of Narsingh Ram @ Narsingh Ram Resident of Vill- Akbarpur, PS- Dariyapur, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar
For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-10-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Dariyapur Police Station Case No. 592 of 2023, dated 09.09.2023, disclosing offences punishable under Sections 341/323/376/504/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 06.09.2023, at about 10:30 in the night, the informant's daughter had gone on the roof of her house to collect clothes, the son of the petitioner nos. 1 and 2, namely, co-accused Nirbhay Kumar Ram tied her mouth,



hands, legs and raped her. When the petitioner no. 3 reached there, co-accused Nirbhay Kumar Ram untied her mouth and fled away. Thereafter, the petitioner no. 3, who is the sister of co-accused Nirbhay Kumar Ram, untied the hands and legs of the victim girl. It has further been alleged that on 08.09.2023, when the informant had gone to the house of the petitioners to disclose the fact, the petitioners, including the co-accused Nirbhay Kumar Singh, abused and assaulted her.

4. Learned Counsel for the petitioners submits that both the parties are neighbours and the petitioners have falsely been implicated in this case due to dispute between the neighbours. They have been made accused in this case because they happen to be the parents and sister of co-accused Nirbhay Kumar Ram, against whom there is allegation of commission of rape upon the victim girl. The statement of the victim girl was recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has not stated anything objectionable against the petitioners.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that



the petitioners are the father, mother and sister of co-accused Nirbhay Kumar Ram, who allegedly committed rape upon the informant’s daughter and the only allegation against the petitioners is that when the informant went to their house, they abused and assaulted her, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, 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, Saran, at Chapra, in connection with Dariyapur Police Station Case No. 592 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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