

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75672 of 2024

Arising Out of PS. Case No.-225 Year-2024 Thana- PARIHAR District- Sitamarhi

- 1. Alok Kumar Son of Suryalal Mahto Resident Of Village -Mahadevpatti, Ps -Parihar, Dist- Sitamarhi
- 2. Ajit Kumar son of Suryalal Mahto Resident Of Village -Mahadevpatti, Ps -Parihar, Dist- Sitamarhi
- 3. Shivshankar Mahto son of Late Ram Sewak Mahto Resident Of Village -Mahadevpatti, Ps -Parihar, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.
For the Opposite Party/s : Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Parihar P.S. Case No. 225 of 2024, registered for the offences under Sections 127(1), 115(2), 64(1), 62, 77, 329(4), 351(2), 3(5) of the BNS.

3. As per the prosecution case, petitioner nos. 1 & 2 and other co-accused persons entered into the house of the informant and started misbehaving with her daughter. They tried to commit rape with her. On alarm being raised, the petitioners and other co-accused persons fled away from the spot when the

people started assembling at the spot. Thereafter, the petitioner no. 3 and other co-accused persons who were variously armed entered into the house of the informant and assaulted the inmates and took away co-accused Ajay Kumar who was earlier caught by the informant and others in the first occurrence.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioner no. 1 and 2 are brothers and petitioner no. 3 is their uncle. Prior, to the lodging of the instant case, co-accused Ajay Kumar has given fardbeyan on 17.07.2024 against the family members of the informant who brutally assaulted him. But under the influence of the family of the informant the case of co-accused Ajay Kumar was lodged after much delay on 27.07.2024 that too after the case of the informant was lodged on the basis of written report for the occurrence of 14.07.2024. At the time of occurrence the petitioner no. 3 was at Surat and after hearing about his nephew being hospitalized, he came and he has been arrested in this case. Learned counsel further submits that so far as allegation against co-accused Ajay Kumar of making obscene video of daughter of the informant is concerned, petitioners have nothing to do with the same. The petitioners are having antecedent of

one case in which they are on bail and the petitioners are in custody since 27.08.2024.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that there is specific allegation against the petitioner no. 1 and 2 for trying to commit rape with the daughter of the informant and there is further allegation against petitioner no. 3 for assaulting the family members of the informant.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the case and counter case of the parties and further considering possibility of false implication in the background of the counter version and the relationship of the petitioners, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st, Sitamarhi/concerned court, in connection with Parihar P.S. Case No. 225 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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