

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84497 of 2023

Arising Out of PS. Case No.-368 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. Bablu Ray @ Bablu Kumar Ray (male) aged about 40 years,
2. Guddu Ray @ Guddu Kumar Ray, (male) aged about 38 years,
Both S/O Binod Ray,
3. Rina Devi (female) aged about 30 years, W/O Guddu Ray @ Guddu Kumar Ray
4. Anju Devi @ Manju Devi (female) aged about 36 years, W/O Bablu Ray @ Bablu Kumar Ray
5. Sunila Devi @ Sushila Devi (female) aged about 60 years, W/O Binod Ray
All residents of Village- Vishanpur Paharpur, P.S.- Patory, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-03-2024 Heard Mr. Suneil Kumar Thakur, learned counsel

appearing on behalf of the petitioners and Ms. Sharda Kumari,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Patory P.S. Case No. 368 of 2023, registered for the
offence punishable under Sections 341, 323, 325, 307, 354 and
379/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners
along with other accused persons, had outraged the modesty of



the informant. Specific allegation of outraging the modesty is against petitioner no. 1, namely, Bablu Ray @ Bablu Kumar Ray and petitioner no. 5, namely, Sunila Devi had assaulted the informant on his chest causing grievous injury.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. He further submitted that due to previous enmity and pendency of a proceeding under Sections 144 and 107 of the Code of Criminal Procedure, petitioners have been made accused in a false case. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, there is specific allegation against petitioner no. 1 of outraging the modesty of the informant and petitioner no. 5 had assaulted the informant on his chest causing grievous injury, I am not inclined to enlarge the petitioners no. 1 and 5, namely, Bablu Ray @ Bablu Kumar Ray and Sunila Devi @ Sushila Devi respectively on pre-arrest bail. However, they may surrender and seek regular bail before the learned District Court



and the learned District Court may consider to pass order on the same day, on the basis of evidences collected in course of investigation.

7. So far as, petitioners no. 2, 3 and 4 are concerned, there is general and omnibus allegation against them and they are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Samastipur, in connection with Patory P.S. Case No. 368 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners no. 2, 3 and 4 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners no. 2, 3 and 4 as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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