

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85754 of 2023

Arising Out of PS. Case No.-287 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Bihari Ray Son Of Late Jangi Ray R/O Village- Jigina, P.O.- Sirsi, Dist.- Kaimur (BHABUA)
2. Nakhru Ray Son Of Late Jagpat Ray R/O Village- Jigina, P.O.- Sirsi, Dist.- Kaimur (BHABUA)
3. Premshila Devi Wife Of Nakharu Ray R/O Village- Jigina, P.O.- Sirsi, Dist.- Kaimur (BHABUA)
4. Menka Devi Wife Of Mahgu Ray @ Mahagi Ray R/O Village- Jigina, P.O.- Sirsi, Dist.- Kaimur (BHABUA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girjanand Prasad, Advocate

For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2024 Learned counsel for the petitioners seeks permission to withdraw the present petition for petitioner no. 2, namely, Nakhru Ray.

02. Permission is accorded.

03. Accordingly, the present petition stands dismissed as withdrawn against petitioner no. 2, namely, Nakhru Ray.

04. Heard learned counsel for the petitioners and learned A.P.P. for the State.

05. In the present case, the petitioners are apprehending their arrest in connection with Chainpur P.S. Case No. 287 of 2023, registered for the alleged offence under Sections 457, 354,



376, 511 and 34 of the Indian Penal Code, Section 6 of the POCSO Act and Sections 3 (i)(r)(s) and 3(2)(v) of the SC/ST Act.

06. As per prosecution case, the co-accused persons entered into the house of the informant and tried to commit rape with her. When the mother of the informant went to scold the petitioners, who are family members of the co-accused persons, they abused and assaulted the mother of the informant.

07. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is inordinate delay in lodging the F.I.R. Learned counsel further submits that for an occurrence of 29.08.2023, FIR has been registered on 12.09.2023 and the delay for the same has not been explained. The victim girl, in her statement recorded under Section 164 Cr.P.C, has not named the petitioner. The co-accused persons against whom there is allegation of attempt to rape have been granted anticipatory bail by a Co-ordinate Bench vide order dated 08.01.2024 passed in Criminal Misc. No. 82994 of 2023. The case of the petitioners stands on much better footing. The petitioners have got no criminal history.

08. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

09. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the non-serious nature of allegation against the petitioners and also considering grant of anticipatory bail to the main accused persons, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO-cum-Additional District & Sessions Judge-VI, Bhabhua/concerned court in connection with Chainpur P.S. Case No. 287 of 2023, subject to the condition laid down under Section 438(2) 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 court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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