

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82994 of 2023

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

1. Sintu Ray Son Of Nakhru Ray R/O Village- Jigina, P.O.- Sirsi, District- Kaimur (Bhabua)
2. Shubham Rayn Son Of Mahagu Ray R/O Village- Jigina, P.O.- Sirsi, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-01-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State as well as learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 457, 354, 376, 511/34 of the I.P.C., u/s 6 of the POCSO Act, u/s 3(i)(r)(s), 3(2)(v) of SC/ST Act.

3. Allegation against the petitioners is that they have entered into the house of the informant and tried to rape her.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence as alleged. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The occurrence took place on 29.08.2023 and F.I.R. lodged on 12.09.2023, there is inordinate



and abnormal delay of 14 days in filing the complaint petition without assigning any plausible and convincing reason for the said delay. The statement of the victim recorded u/s 164 of the Cr.P.C. supported the prosecution case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the argument of the parties and on perusal of the record, an inordinate delay is found in lodging the F.I.R. it creates serious doubt on prosecution story, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 the learned lower Court where the case is pending/successor Court in connection with Chainpur P.S. Case No. 287 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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