

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84131 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- GURARU District- Gaya

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1. Chandrakant Kumar @ Sintu Kumar Son Of Sri Ram Udai Prasad @ Ram Uday Singh Resident Of Village- Deo Kali, P.S.- Guraru, District- Gaya
 2. Ram Uday Prasad @ Ram Uday Singh Son Of Late Banwari Mahto Resident Of Village- Deo Kali, P.S.- Guraru, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-01-2024 Heard Mr. Prithivi Raj Singh, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Guraru P.S. Case No. 21 of 2023, registered for the offences punishable under Sections 341, 323, 354 (B), 325 and 379/34 of the Indian Penal Code.

3. Allegedly, while the informant was in her home, in the meantime, both the petitioners have entered in her house and tried to commit rape upon her. When *halla* was raised, the husband of the petitioner rushed to the place, whereupon both the petitioners and others assaulted him and snatched the



valuables.

4. It is submitted on behalf of the petitioners that both the parties are co-sharer and there is a land dispute, resulting into case and counter case, bearing Guraru P.S. Case No. 21 of 2023, registered by the petitioner no. 2 against the informant and other five persons. Further submission has been made that the petitioner no. 1 is son of the petitioner no. 2 and, as such, the allegation of trying to commit rape and outraging the modesty of the informant does not arise. He next submits that so far the injury sustained to the informant is concerned, the same appears to be simple in nature as there is no discussion in the impugned order. Moreover, the injury sustained to the husband of the informant is said to be reserved, till now, however, there is no specific allegation against any of the accused persons, that who has caused that injury.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioners bear criminal antecedent of identical nature and there is specific allegation against them, that they assaulted the informant and her husband.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation of



attempt to commit rape upon the petitioners, who are none else but the father and son, thus, prima facie, the allegation doesn't appear to be reliable. That apart, there is a case and counter case and the prosecution case also lacks specific nature of allegation, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Guraru P.S. Case No. 21 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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