

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1381 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- MADANPUR District- Aurangabad

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1. DHIRAJ KUMAR SON OF NANDLAL YADAV RESIDENT OF VILLAGE - KHESAR, P.S. - MADANPUR, DISTRICT - AURANGABAD
 2. ROUSHAN KUMAR SON OF RAMDAYAL YADAV RESIDENT OF VILLAGE - KHESAR, P.S. - MADANPUR, DISTRICT - AURANGABAD
 3. SAROJ KUMAR SON OF RAMDAYAL YADAV RESIDENT OF VILLAGE - KHESAR, P.S. - MADANPUR, DISTRICT - AURANGABAD

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. NIRMA DEVI WIFE OF NAKUL PASWAN RESIDENT OF VILLAGE - KHESAR, P.S. - MADANPUR, DISTRICT - AURANGABAD

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar
For the Opposite Party/s	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Binod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2024 Heard the parties.

2. Learned counsel for the petitioners seek permission to withdraw this application as against the petitioner no.3, as he has been arrested by the police during the pendency of the bail application.

3. Permission is granted.

4. Accordingly, this application as against the petitioner no.3 is dismissed as withdrawn.

5. Now, this application is being heard with respect to the petitioner no.1 and 2 only.



6. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 294, 323, 504, 506, 354 of the Indian Penal Code, Section 8/12 of POCSO Act and Section 3(1)(r)(s)W(i)(ii), 2(va) of the SC and ST (POA) Act, 1989.

7. Allegedly, when the minor daughter of the was going to school, co-accused Shashi Kumar molested the victim and used indecent word. When the cousin brother of the victim went to complain about this incident, the petitioners assaulted the informant's side and also abused them by using caste name.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. The specific allegation is against the co-accused Shashi Kumar. Petitioners have no criminal antecedent.

9. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

10. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioners, let



the above named petitioner nos.1 and 2, 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 court below where the case is pending/Successor Court in connection with Madanpur P.S. Case No.381 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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