

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54901 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- DHORAIYA District- Banka

- 1. Raj Kumar Rai son of Gopal Ray Village- Bara Tikar Ps- Dhoraiya Dist-banka
- 2. Rahul Kumar Rai @ Rahul Rai son of Ram Jeevan Rai Village- Bara Tikar Ps- Dhoraiya Dist- banka
- 3. Buddhu Kumar son of Kailash Rai Village- Bara Tikar Ps- Dhoraiya Dist-banka
- 4. Pankaj Kumar son of Ram Bilash Rai Village- Bara Tikar Ps- Dhoraiya Dist-banka

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Kajal Kumari Daughter of Arvind Rai Village- Bisambar Kitta, P.S. Dhoraiya, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

5 23-01-2025 Heard learned counsel for the petitioners and learned APP
for the State. Perused the case diary.

2. The petitioners seek bail in connection with
Dhoraiya P.S. Case No. 56 of 2024 instituted for the offence
under Sections 341, 323, 324, 379, 354B, 506 & 34 of the
Indian Penal Code and Section 12 of the POCSO Act.

3. As per prosecution case, allegation against the
petitioners is of outraging the modesty of the informant and
assaulting her by means of *lathi*, *danda* and generator handle.



4. It has been submitted on behalf of the petitioners that the petitioner Nos. 1, 2 & 3 are in custody since 23-05-2024 whereas petitioner No.4 is in custody since 28-05-2024 . Petitioners bear no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Victim herself is the informant. There is no specific allegation against the petitioners, rather allegation is general and omnibus in nature. Though victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case, but the injury report does not corroborate the same, as the injury is found to be simple in nature. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners by contending that there is direct allegation against the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners, there being no direct allegation against the petitioners and charge sheet being submitted, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhoraiya P.S. Case No. 56 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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