

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39498 of 2014

Arising Out of PS.Case No. -57 Year- 2014 Thana -DURAULI District- SIWAN

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RAHMAT ANSARI, SON OF HASIM ANSARI @ HASIM MIAN,
RESIDENT OF VILLAGE - PATAUA, P.S. - DARAULI, DISTRICT-
SIWAN.

.... PETITIONER.

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY.

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with

Criminal Miscellaneous No.45024 of 2014

Arising Out of PS.Case No. -57 Year- 2014 Thana -DURAULI District- SIWAN

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MERAJ ANSARI, SON OF LATE PEER MOHAMMAD, RESIDENT OF
VILLAGE- PATAUWA, P.S. DARAULI, DISTRICT- SIWAN.

.... PETITIONER.

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY.

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Appearance :

(In Cr.Misc. No.39498 of 2014)

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Dashrath Mehta (APP)

(In Cr.Misc. No.45024 of 2014)

For the Petitioner/s : Mr. Javed Aslam, Advocate.

For the Opposite Party/s : Mr. Ashok Kumar Singh (APP)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 14-01-2015 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Both applications are related to Darauli P.S. Case No.

57 of 2014 registered under Sections 341, 376 and 504/34 of the

Indian Penal Code and Section 6 of the P.O.C.S.O. Act, hence

both applications are heard together and are being disposed of by common order.

The allegation of informant, Farida Khatoon, aged about 15 years, is that her parents had gone to attend the marriage ceremony in relation. On 21.04.2014, in the evening, she had gone to collect the cloths from her Bathan situated near the canal. In the meantime, petitioners caught hold and committed rape at her forcibly. On next date, i.e., 22.05.2014 her father returned back then she narrated the incident and on quarry by her parents about the occurrence, the petitioners abused them and threatened to cause assault.

Learned counsel for the petitioners submits that father of the complainant and the petitioners are the agnates and due to land dispute both petitioners have falsely been implicated in this case. It is further submitted that the victim was examined by the doctor on 23.05.2014 but no sign of rape was found and her age was also assessed in between 19 to 20 years. Except parents of the informant, none have supported the case of prosecution, which would appear from paragraphs 18, 19, 20, 21, 26 and 27 of the case diary, in which, they have stated about only causing assault by the petitioners to the informant. It is further submitted that petitioners have no criminal antecedent and are in custody since

24.05.2014.

Having regard to the facts and the circumstances of the case, the petitioners above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in connection with Darauli P.S. Case No. 57 of 2014.

(Rajendra Kumar Mishra, J)

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