

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31078 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -ROUH District- NAWADA

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1. Bachchi Devi Wife of Shyamdeo Manjhi
2. Laxminiya Devi Wife of Gobind Manjhi
3. Shyamdeo Manjhi Son of Late Ganauri Manjhi All resident of village-
Siur, P.S.- Raoh, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Amit Kr. Rakesh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 28-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

It has been submitted that petitioner no. 3 has been arrested and as such his prayer for pre-arrest bail has become infructuous. Accordingly, this application on behalf of the petitioner no. 3 is dismissed as infructuous.

Petitioner nos. 1 and 2 apprehend their arrest in connection with Roh P.S. Case No. 47 of 2013 registered for the offence punishable under Section 364 of the Indian Penal Code.

Allegedly, the petitioners called the daughter of the informant for attending call of nature and when the informant went behind her, she saw all the accused persons standing there and her daughter became traceless. The victim has been recovered

and she has stated in her statement under section 164 Cr.P.C. that the accused persons gave her intoxicated sweets and when she ate the same she became unconscious, thereafter, she was brought to Koilwari and one Mithun committed rape with her for eight days.

Submission is that the petitioner nos. 1 and 2 are ladies and there is no allegation against them for kidnapping. Mithin is already in custody and as such the petitioner nos. 1 and 2 deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above and considering the fact that there is nothing against them, the petitioner nos. 1 and 2 named above, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawadah in connection with Roh P.S. Case No. 47 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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