

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1097 of 2015

Arising Out of PS.Case No. -103 Year- 2013 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Murari Sharma Son of Jamuna Sharma, Resident of Village - Arari, P.S. -
Bhagwanpur, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate.

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 12-01-2015 Heard both sides.

The petitioner Murari Sharma apprehends his arrest in Bhabhua P.S. Case No. 103 of 2013, registered for the offences punishable under Sections 376 (G) and 120(B) of the Indian Penal Code.

The victim named four persons Sonu Kumar, Chhotu Kumar, Daud Singh and Chandrabhan Singh and alleged that they took her to different places and committed rape with her.

Learned counsel for the petitioner submits that the victim made her statement under Section 164 of the Cr.P.C. and did not disclose the name of the petitioner. The victim in her fardbeyan simply alleged that the accused persons had kept her in a house of Murali Singh for one night on the pretext that the

victim happen to be sister-in-law of the petitioner, except this there is nothing against the petitioner. The petitioner is not even named in the FIR. Other accused persons Sonu Kumar, Chhotu Kumar, Daud Singh and Chandrabhan Singh have already been acquitted vide judgment passed in Sessions Trial No. 234 of 2013.

Having considered the facts that the petitioner is not alleged to have committed any illegal acts with the victim and the victim herself alleged that the accused persons kept her for one night in the house of the petitioner, the petitioner, in the event of his 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, is directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 103 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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