

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4931 of 2015

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1. Nand Kishore S/O Late Chalitar Sah
2. Chunnu Sah Son of Nand Kishore Sah Both are residents of village-
Basantpatti,P.S-Purnahiya,Distt.-Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate.

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 04-02-2015

Heard both sides.

The petitioners apprehend their arrest in Purnahiya P.S.
Case No. 90 of 2013, registered for the offences punishable under
Sections 376, 307 and other Sections of the Indian Penal Code.

The victim Usha Devi made allegation against her father-
in-law and brother-in-law that they committed rape with her in the year
2006 and 2007, when her husband went outside of his village to earn his
livelihood. She further alleged that her husband was likely to come in
the month of March 2013 and the dispute again arose as the informant
gave birth to a male child in absence of her husband.

Learned counsel for the petitioners submits that the
petitioners are father-in-law and brother-in-law of the informant. All the
allegations are false and concocted. The allegation is not believable as
the informant alleged that she was raped with by her father-in-law in the

year 2006 itself and by her brother-in-law in the year 2007, but after six years of the occurrence she lodged the case. This case has been lodged for partition of the property.

On perusal of the records, it appears that the informant alleged to have been raped by her father-in-law and brother-in-law six year before the institution of the case. On the face of the allegation, it appears that the informant lodged this case on account of the family dispute and she wanted the family property be partitioned.

Considering the facts aforesaid, the petitioners, in the event of their 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, are directed to be enlarged on bail on furnishing 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, Sheohar in connection with Purnahiya P.S. Case No. 90 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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