

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29727 of 2014

Arising Out of PS.Case No. -1740 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Pappu Mahaldar Son of Sakat Mahaldar @ Sabit Mahaldar
2. Manchu Mahaldar @ Manchlal Mahaldar Son of Hukum Mahaldar Both
are resident of village - Kanp, P.S. - Rupauli, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Reshmi Devi wife of Arvind Mahaldar, R/o village-Kanp, P.S.- Rupauli,
District- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s : Mr. T.P.Mandal (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 14-01-2015 As prayed for, learned counsel for the petitioners is permitted to add the complainant as opposite party no. 2. Since the complainant is represented through her counsel, no notice is required to be issued.

Heard learned counsel for the petitioners, learned counsel representing the State and the learned counsel representing the complainant.

Petitioners above named apprehend their arrest in Complaint Case No. 1740 of 2013 in which cognizance has been taken under Sections 376/511, 120B of the Indian Penal Code.

Allegedly, the petitioners tried to commit rape after

pressing the mouth of the complainant on 11.6.2013 and thereafter, the complaint case was filed on 18.7.2013 with plea that the complainant has earlier filed a petition before the Police but the Police did not take any action.

Submission is that the husband of the complainant was trying to purchase the land but the father of the petitioner no. 1 has purchased the land from Sarjug Mahaldar and then threat was caused to implicate the petitioners and the complainant filed this case with false and frivolous allegations. It has further been submitted that father of petitioner no. 1 has also filed a complaint case and as such the petitioners deserves sympathetic consideration to which the learned counsel representing the complainant opposes by submitting that the delay is well explained in the complaint petition itself.

Considering the abnormal delay in filing the complaint petition and further considering the submissions urged at bar, the petitioners above named, 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, Purnea in connection with Complaint Case No. 1740

of 2013, subject to the conditions as laid down under Section 438
(2) of the Cr.P.C.

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(Jitendra Mohan Sharma, J)

