

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.182 of 2015**

Arising Out of PS.Case No. -48 Year- 2014 Thana -KRITYANAND NAGAR District- PURNIA

- =====
1. Sushil Kumar son of Kameshwar Prasad Mahto, Resident of Village-Baniya Patti, Police Station- K. Nagar, District- Purnea
  2. Kavindra Mahto son of Satyanarayan Mahto, Resident of Village-Jawahar Nagar, Daini, Police Station- K. Nagar, District- Purnea

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Braj Kishor Prasad(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      27-01-2015                      Heard learned counsels for the petitioners, informant and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 376 of the Indian Penal Code.

It is alleged that petitioner no. 1 ravished the informant inside the house when petitioner no. 2 was guarding. The victim caught hold of petitioner no. 1 but petitioner no. 2 got him released.

It is submitted by learned counsel for the petitioners that for the occurrence of 11.11.2013 the complaint was filed on 13.11.2013 which came to be registered as police case on

3.2.2014. The police after investigation and examination of witnesses, came to the conclusion that false case has been lodged and submitted final form but differing with the same, cognizance has been taken under section 376 IPC. It is further submitted that on 24.1.2013 an informatory petition was filed before the learned C.J.M. by the petitioners anticipating false implication under section 376 IPC. No medical examination of the victim was done nor the victim's statement under section 164 Cr.P.C. was recorded.

It is submitted by learned counsel for the informant that the accusation is specific in the complaint and the learned court below, after finding prima facie case, took cognizance under section 376 IPC.

Considering the delayed lodging of the case, accusation being found false by the police, the informatory petition being filed at earlier point of time, victim being not examined medically and the statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned JM, Purnea in connection with K. Nagar P.S.

Case No.48 of 2014 subject to the conditions as laid down under  
Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)

Anil/-

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