

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41206 of 2015

Arising Out of PS.Case No. -3418 Year- 2011 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

- =====
1. Jai Prakash Rai, Son of Late Yogendra Rai, Resident of Village- Harpur Chand, P.S.- Desari (Chandpura O.P.) District-Vaishali
 2. Dharmendra Rai @ Dharmendra Kumar, son of Parmeshwar Rai, Resident of Village- Sidhipar, P.S.- Bidupur District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Taregni Devi, Wife of- Bablu Pandey, Resident of village- Chakousan Bazar, P.S.- Bidupur, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Smt. Anuradha Singh

For the Opposite Party/s : Mr. Anil Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 07-10-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 354, 323 and 380/34 of the Indian Penal Code.

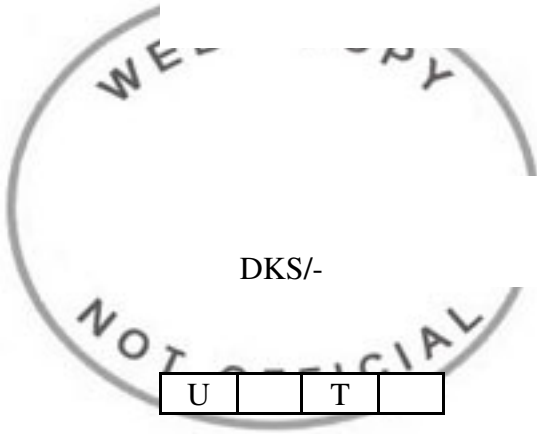
The prosecution case is that on 13.09.2008 the petitioners entered into the house of the complainant and ravished the complainant when the incident was witnessed by the sister-in-law of the complainant, Babli Devi. The petitioners

also took away clothes and other articles from the house.

It is submitted by learned counsel for the petitioners that for the occurrence of 13.08.2008 Complaint Case No. 2847 of 2008 was filed on 21.10.2008. The said complaint was transmitted to the police under Section 156(3) of the Cr.P.C. but on conclusion of the investigation the petitioners were not sent up for trial and investigation agency requested for initiating prosecution against the informant under Sections 182 and 211 of the Cr.P.C. The final form was accepted and subsequently the matter proceeded on protest when the cognizance has been taken under Sections 354, 323 and 380/34 of the IPC on 11.07.2014.

Considering the delayed lodging of the initial complaint, the accusation not being found true during investigation and the learned Magistrate on protest –cum-complaint took cognizance only under Sections 354, 323 and 380/34, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Vaishali at Hajipur in connection with Complaint Case No. 3418 of 2011 arising out

of Bidupur P.S. Case No. 204 of 2008, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)

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