

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31245 of 2014

Arising Out of P. S.Case No. -33 Year- 2014 Thana -MAIRWA District- SIWAN

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1. Mukesh Bin son of Ganesh Bin
2. Kanhaiya Bin son of Swami Nath Bin
3. Subash Bin son of Swaminath Bin
All resident of village Titara Tola Basantpur Bin Toli, P.S. Mairawa,
Dist Siwan

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar
For the Opposite Party/s : Mr. D.P.Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

2 20-01-2015 Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offence punishable under Sections 323, 354,
376, 511, 504, 506 of IPC.

Allegation against petitioner no. 1 Mukesh Bin and
Rajendra Bin is to have entered into the house of the informant
and committed rape upon her. When the husband of
complainant/informant came to his house, he went to make
complain to the house of the accused and thereafter other
accused including accused Kanhaiya Bin and Subash Bin

assaulted him.

It is submitted that the petitioners have been falsely implicated in this case.

There is no allegation against petitioner nos. 2 and 3 to have committed offence of rape.

Considering the facts and circumstances, in my opinion, petitioner no. 1 Mukesh Bin does not deserve anticipatory bail. His prayer is rejected.

So far petitioner nos. 2 and 3, namely, Kanhaiya Bin and Subash Bin are concerned, in case of arrest or surrender within a period of four weeks they will be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in Mairwa P. S. Case No. 33 of 2014, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and the other following conditions:-

1. The petitioner nos. 2 and 3 will not indulge themselves in similar or any other offence.
2. One of the bailors must be the close relative of the petitioner nos. 2 and 3.
3. They will be well represented in the Court on each and

every date and in case of absence for two consecutive dates or in case of violation of terms of bail, their bail bond would be liable to be cancelled by the learned Court concerned.

(Amaresh Kumar Lal, J)

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