

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28279 of 2015

Arising Out of PS.Case No. -390 Year- 2013 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Amerika Sahani son of Mahadeo Sahani
2. Yadav Lal Sahani son of late Bishun Sahani
3. Tarkeshwar Sahani son of Suraj Sahani
All are residents of village - Jaukatiya Bara Malahi Tola, Police Station –
Majhauria, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishore Mishra, Adv.

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-07-2015 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest for the
offences alleged under Section 376 (D) of the Indian Penal
Code registered in connection with Majhauria P.S. Case No.
390 of 2013.

3. It is submitted that the petitioners have been
falsely implicated in the backdrop of land dispute between the
parties where the petitioner no. 2 is the elder brother of the
complainant/informant's husband. There is no medical report
to support the accusation of rape and after due investigation
by the police chargesheet was submitted only under Sections
323 and 504/34 of the Indian Penal Code. Differing from the
same, the learned Magistrate has taken cognizance also under

Section 376 of the Indian Penal Code.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Shri Jitesh Kumar, learned Judicial Magistrate, Ist Class, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 390 of 2013, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions :

(i) The petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioners shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/-

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