

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7552 of 2016

Arising Out of PS.Case No. -445 Year- 2015 Thana -KUDHNI District- MUZAFFARPUR

1. Vidyanand Rai S/o Late Bijli Rai
2. Pramila Devi W/o Vidyanand Rai Both resident of village - Chadhua,
P.S. Kurhani, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 17-03-2016 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Kurhani (Turki O.P.) Police Station Case No.
445 of 2015, disclosing offences under Sections 341, 366A,
120B, 420, 376/34, 363 of the Indian Penal Code.

The complaint petition filed by the informant is
the basis of the registration of the present First Information
Report. There are five persons who have been named as
the accused in the First Information Report including these
petitioner. The petitioner no. 1 and 2 of the present
application are father and mother respectively of the rest all
accused persons, namely, Sanjiv Kumar, Dharmendra

Kumar and Sikander Rai.

It has been alleged in the complaint petition that all these persons had kidnapped the daughter of the informant and the FIR named accused persons, namely, Sanjiv Kumar, Dharmendra Kumar and Sikandar Rai, committed rape upon the informant's daughter on several occasions after kidnapping her.

Learned Counsel appearing on behalf of the petitioners that the prosecution case, as narrated in the complaint petition, is highly improbable and palpably false. He submits that in any view of the matter, there is no specific allegation against these petitioners of any overt act.

I find substance in the submissions advanced on behalf of the petitioners. This application is accordingly allowed.

Let the petitioners, namely, Vidyanand Rai and Pramila Devi, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Manish Pandey, Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Kurhani (Turki O.P.) Police Station Case No. 445 of 2015, subject to the condition laid down under Section 438 (2) of the Code of

Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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