

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7946 of 2016

Arising Out of PS.Case No. -194 Year- 2015 Thana -SULTANGANJ District- BHAGALPUR

1. Shiv Mandal, Son of Koni Mandal, Resident of village- Maheshi , P.S. Sultanganj, District Bhagalpur.
2. Gautam Mandal @ Gautam Kumar Mandal, Son of Ganoru Mandal, Resident of Village Nasopur, P.S. Sultanganj, District Bhagalpur
3. Pramod Mandal @ Pramod Rai, Son of Kulo Mandal, Resident of Village- Nasopur, P.S. Sultanganj, District Bhagalpur. Petitioners

Versus

The State of Bihar

.... Opposite Party

With

Criminal Miscellaneous No.19040 of 2016

Arising Out of PS.Case No. -194 Year- 2015 Thana -SULTANGANJ District- BHAGALPUR

Rappu Mandal, Son of Late Chhotelal Mandal, Resident of village - Maheshi, Police Station Sultanganj, District - Bhagalpur Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.7946 of 2016)

For the Petitioner/s : Mr. Janki Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Anita Kumari, A.P.P.

(In Cr.Misc. No.19040 of 2016)

For the Petitioner/s : Mr. Diwakar Yadav, Advocate

For the Opposite Party/s : Mr. Arvind Kr.Panday, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

3 11-05-2016

Both the Criminal Miscellaneous Applications arise out

of the same First Information Report and, as such, have been heard together and are being disposed of by the present common order.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

These applications for grant of anticipatory bail arise out of Sultanganj P.S. Case No. 194 of 2015, disclosing offences under Sections 494, 354, 366 and 376/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that no offence under Section 376 of the Indian Penal Code is made

out against these petitioners and as a matter of fact, no case under Section 376 of the Indian Penal Code is made out at all, there being allegation that co-accused Ashok Mandal established physical relationship with the informant, apparently with her consent.

Considering the facts and circumstances, this application is allowed.

Let the petitioners, above-named, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bhagalpur and learned Chief Judicial Magistrate, Bhagalpur in connection with Sultanganj P.S. Case No. 194 of 2015, subject to the conditions as 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)

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