

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25937 of 2016

Arising Out of PS.Case No. -305 Year- 2014 Thana -LAHERIASARAI District- DARBHANGA

1. Manisha Choudhary, wife of Ashish Narayan Jha
2. Sapna Choudhary, Wife of Manmohan Choudhary
3. Manmohan Choudhary (in First Information Report it is mentioned as Dharm Narayan Choudhary) son of Dhairj Narayan Choudhary. All are resident of Village- Jairam, P.S.- Pandaul, District- Madhubani. At present Mohalla- Balbhadrapur, P.S. Laheriasarai, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 12-07-2016 Heard the counsel for the petitioners, the learned APP
for the State and Mr. Yadav for the informant.

The three petitioners are interrelated. Petitioner no.2 is the wife of petitioner no.3, whereas petitioner no.1 is daughter of petitioner no.3. The complainant-informant alleged that while she was serving the family as a maidservant, she was subjected to rape on diverse occasions by petitioner no.3 which was in the knowledge of petitioner nos. 1 and 2. The case was investigated whereafter a final form seems to have been submitted. Differing with the report, the learned Magistrate took cognizance and hence the apprehension of arrest in connection with Laheriasarai P.S.

Case No. 305 of 2014 registered under section 376 and 354 IPC.

Having regard to the fact that petitioner nos. 1 and 2 are lady members against whom the allegation is of knowledge of such commission of rape by petitioner no.3 and considering further the fact that initially final form was submitted, I am inclined to extend them the privileged of anticipatory bail. Accordingly, in the event of arrest/surrender within four weeks from today, petitioner nos. 1 and 2 above named shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of CJM, Darbhanga in Laheriasarai P.S. Case No. 305 of 2014 on condition that one of the bailors of each of the petitioners shall be her/own close family members. They shall appear in person on each date fixed at the trial. In case of default in appearance, their bail bonds shall stand cancelled.

The allegation against petitioner no.3 is direct of having committed rape which cannot, at this stage, be disbelieved. Consequently, his prayer for grant of anticipatory bail is rejected.

(Kishore Kumar Mandal, J)

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