

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44923 of 2016**

Arising Out of PS.Case No. -125 Year- 2016 Thana -MANJHI District- SARAN

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1. Tarkeshwar Turaha @ Tarkeshwars Turaha  
2. Achhelal Turha @ Achhelal Turha  
Both are Sons of Late Sheonath Turaha. Both are residents of Village-  
Mahmmadpur, Police Station- Manjhi, District- Saran (Chapra).

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bashishtha Narain Mishra with  
Mr. Brij Kishor Mishra,

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 18-10-2016**

Heard learned counsel for the parties.

The petitioners seek pre-arrest bail in connection with  
Manjhi P.S. Case No. 125 of 2016 dated 10.06.2016 instituted under  
Sections 109/376 of the Indian Penal Code.

The allegation is of attempt to rape against petitioner no.  
1 and the petitioner no. 2 is said to be standing at the time of  
occurrence.

Learned counsel for the petitioners submits that the  
petitioners are uncle of the victim and the complainant is the grand-  
mother of the victim. It is submitted that it is unbelievable that the  
petitioners, who are full brothers, one would commit rape and the  
other would watch and, further, that such an act would be committed

on such a close relative. It is submitted that the parties reside in the same ancestral house and the dispute relates to partition of the house. Learned counsel submits that the complaint was instituted five days after the date of occurrence and has been sent to the police under Section 156 (3) of the Code of Criminal Procedure, 1973 leading to institution of the present F.I.R. It is further submitted that the petitioners have clean antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 5<sup>th</sup>, Chapra, Saran in Manjhi P.S. Case No. 125 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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