

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38449 of 2015

Arising Out of PS.Case No. - 9 Year - 2015 Thana - JURAWNUPUR District
- VAISHALI (HAJIPUR)

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1. Gauhar Rai, Son of Chandradeo Rai.

2. Bijali Rai, Son of Chandradeo Rai.

3. Dani Rai, Son of Jai Nandan Rai.

All Resident of Village - Shiva Nagar, P.S. - Jurawanpur in
the District of Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajoday Satyjeet, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh (A.P.P.)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Jurawanpur P.S. Case No.09 of 2015,
disclosing offences under Sections 376 and 511 of the
Indian Penal Code.

Petitioner Nos.1 and 2 are full brothers,
whereas, petitioner No.3 has been described as the uncle



of petitioner Nos.1 and 2. Chandeshwar Sah is the informant of the aforesaid Jurawanpur P.S. Case No.09 of 2015, who has alleged that these persons had visited his Ghumti (betel shop), on 01.02.2015, where his daughter, namely, Soni, was present, managing the shop. Allegedly, they took a cigarette from her and on demand of money having been made, they forcibly took her away in a field. It is further alleged that upon hearing cry for rescue made by his daughter, the informant reached there and saw these petitioners fleeing away. For the occurrence, alleged to have taken place on 01.02.2015, the First Information Report was lodged on 03.04.2015.

Learned counsel for the petitioners submits that before institution of the present First Information Report, the father of petitioner Nos.1 and 2 had lodged a complaint case, on 10.02.2015, against the informant, Chandeshwar Sah, making accusation of commission of offences punishable under Sections 452, 323 and 380 of the Indian Penal Code and Section 27 of the Arms Act. The said Chandeshwar Sah is said to have taken friendly loan from the father of petitioner Nos.1 and 2, which he had refused to return and which had led to institution of the complaint case. He contends that the institution of the present case is a counter blast to the said complaint case. He further

submits that the prosecution version, as contained in the First Information Report, is highly improbable.

Considering the facts and circumstances of the case, nature of accusation and submissions, so made, this application is allowed. Let the petitioners, abovenamed, 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 Chief Judicial Magistrate, Vaishali at Hajipur**, in connection with **Jurawanpur P.S. Case No.09 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, abovenamed, 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.)

Praveen-II/-

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