

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6670 of 2016

Arising Out of PS.Case No. -220 Year- 2014 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Kishore Chaudhary
2. Ajay Chaudhary, both are sons of Indal Chaudhary Resident of Village -
Bagahi, P.S. - Bairiya, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 376 of the Indian Penal Code.

The prosecution case is that the petitioners ravished the informant after taking her to the cane-field.

It is submitted by learned counsel for the petitioners that the petitioners are the agnates of the informant and earlier 107 and 144 Cr. P.C. proceeding were initiated for dispute between the parties. The medical report of the informant does not suggest the commission of rape. The victim was found major. On conclusion of investigation, chargesheet has been submitted under Sections

323 and 504 of the IPC but differing with the final form, cognizance has been taken under Section 376 IPC. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Considering the nature of accusation levelled in the background of litigated relationship between the parties, the accusation not being corroborated by the medical opinion and during investigation also accusation of rape was not found true, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 220 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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