

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23102 of 2016

Arising Out of PS.Case No. -347 Year- 2015 Thana -MINAPUR District- MUZAFFARPUR

1. Allauddin Khan Son of Late Rahim Khan
2. Shabbar Khan, son of Allauddin Khan, Both Resident of village-
Paharpur, P.S.- Tariyani, District- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin

For the Opposite Party/s : Mr. Navin Kr.Pandey(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 14-07-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Minapur Police Station Case No. 347 of 2015,
disclosing offences under Sections 376, 376B, 354, 354B,
120B, 149, 307 and 311 of the Indian Penal Code.

The petitioner no. 1 is the father-in-law of the
informant; whereas, petitioner no. 2 is her husband.

It is alleged in the complaint petition, which is
the basis for registration of the present First Information
Report, that in a conspiracy hatched up by the family
members, the informant was made to marry the petitioner
no. 2, who is impotent. It is alleged that the petitioner no.

2 told the informant to agree to whatever is said by his father, petitioner no. 1. The petitioner no. 1 is said to have raped her.

Learned Counsel appearing on behalf of the petitioners has submitted that case of the prosecution is absurd on the face of it. It has been submitted that it cannot be believed that the father-in-law would go to the informant's mother's place and commit the offence, as alleged against him. He has submitted that the petitioner have been falsely implicated because of matrimonial difference.

Considering the above submission, this application is allowed.

Let the petitioners, namely, Allauddin Khan and Shabbar Khan, 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Minapur Police Station Case No. 347 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 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.)

Prabhakar Anand/-

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