

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43375 of 2016

Arising Out of PS.Case No. -1598 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Santosh Kumar Singh @ Santosh Kumar Son of Ram Naresh Singh
2. Sikandar Singh @ Sikandra Singh Son of Jaffu Singh Both Resident of
Village-Pitambarpur, P.S.-Indrapuri, District-Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari D/o Late Rajesh Paswan Resident of Mohalla-Delha, P.S.-
Delha, District-Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma
For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 26-10-2016 Heard the parties.

This application, for grant of anticipatory bail, arises out of
Complaint Case No. 1598 of 2016, disclosing offences under
Section 376 of the Indian Penal Code.

It is alleged in the complaint petition that these petitioners
entered into the house of the informant and both of them
committed rape on his daughter.

Learned counsel for the petitioners, has submitted that
lodging of the present complaint case is in retaliation to arrest of
the husband of the complainant in connection with kidnapping of
the daughter of the petitioner No. 2, in Dehri Indrapuri P.S. Case



No. 480 of 2014. He has also submitted that the said Dehri Indrapuri P.S. Case No. 480 of 2014, was registered against unknown persons and in course of investigation, complicity of the husband of the complainant came to light and, thereafter, he was arrested and he is still in custody. He has further submitted that for the occurrence, which is alleged to have taken place on 07.09.2015, the complaint petition came to be filed ten days thereafter, on 17.09.2015, which casts shadow of doubt on the veracity of the case of the prosecution.

Considering the facts and circumstances and the submissions, as above, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 7th Additional Chief Judicial Magistrate, 7th Gaya, in connection with Complaint Case No. 1598 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 petitioner 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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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