

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15302 of 2016

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

=====

Hirdaya Chaudhary, Son of Indal Chaudhary

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. Atul Chandra (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 13-04-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 376(d) of the Indian Penal Code.

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

It is submitted by learned counsel for the petitioner that the petitioner and co-accused 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 and the victim was found major. On conclusion of the investigation,

final form was submitted under Sections 323 and 504 of the Indian Penal Code but differing with the final form, cognizance has been taken under Section 376 of the Indian Penal Code.

A statement has been made in paragraph 3 of the petition that the petitioner has 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 on conclusion of the investigation accusation of rape was not found true, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist 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) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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