

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50665 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -MAHILA PS District- JEHANABAD

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1. Lala Sao, son of Badri Sao,
 2. Indal Sao, son of Lala Sao,
 3. Rahul Kumar, son of Lala Sao,
 4. Jitendra Sao, son of Badri Sao,
 5. Dulli Sao @ Gulli Sao, son of Badri Sao,
 6. Sanni Kumar, Son of Dulli Sao @ Gulli Sao,
 7. Balchand Sao, son of Badri Sao,
- All are residents of Vill. Sikariya, P.S. Parasbigha, Distt. Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shivendra Prasad, Advocate.

For the Opposite Party/s : Ms. Asha Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners, in the present case, are seeking anticipatory bail in connection with Mahila P.S. Case No. 39/2017 registered for offences punishable under Sections 341, 323, 376, 504, 506/34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that in fact from perusal of the First Information Report itself it will appear that the informant and the accused family are co-sharers. There is a specific allegation of rape against one Raju Sao, who is said to



be the Bhaisur of the informant. There is no allegation of any kind or participation of these petitioners in the alleged act of rape. The entire family members have been later on implicated in this case alleging that when the husband of the informant went to lodge a complaint with the father of the accused Raju Sao at his house then the accused persons abused the husband and other family members and threatened. Submission is that it is a case of false implication of these petitioners.

On the other hand, learned A.P.P. opposed the prayer for anticipatory bail.

Considering the fact that there is no allegation of any kind in connection with the offence alleged under Section 376 IPC against these petitioners and other sections of the Indian Penal Code are bailable offences, if the petitioners surrender in the court below within a period of six weeks from today, the court below shall consider their bail applications on the same day and shall dispose of the same keeping in mind that there is no allegation of rape against these petitioners.

The application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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