IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15035 of 2017

Arising Out of PS.Case No. -23 Year- 2015 Thana -MAHILA P.S. District- ARRARIA

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1. Md. Riyas, S/o Late Md. Rahmuddin.
2. Md. Ekbal @ Md. Akbar, S/o Md. Riyas.
3. Bibi Kulsum, W/o Md. Riyas.
4. Bibi Raushan, D/o Md. Riyas,

All Resident of Village- Durgapur, Gunwanti, Ward No. 12, P.S.- Boushi, District- Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 25-04-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Araria Mahila P.S. Case No. 23 of 2015, G.R. No. 1543 of 2015 instituted for the offence under Section 376 of the Indian Penal Code.

As per written report, Md. Sattar committed rape with the informant on 7.6.2015 when she had gone for call of nature. Thereafter, the statement of the victim girl has been recorded under Section 164 Cr. P.C. on 22.7.2015 wherein she has levelled specific allegation of committing rape against Md. Sattar. She has

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further submitted in her statement that Md. Sattar was caught hold by the mother of the informant but he was rescued by the petitioners.

In such circumstances, there is specific allegation against Md. Sattar of committing rape with the victim girl. There is general and omnibus allegation against these petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Araria Mahila P.S. Case No. 23 of 2015, G.R. No. 1543 of 2015, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Araria, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case,

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in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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