

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2380 of 2017

Arising Out of PS.Case No. -22 Year- 2014 Thana -SC/ST District- DARBHANGA

- =====
1. Ghuran Mukhiya @ Ghuran Sahni sonof Late Sita Ram Mukhiya
 2. Sagar Mukhiay @ Sagar Kumar son of Ghuran Mukhiya
- Both are resident of village Mani Ballaha, P.S. Keoti, District - Darbhanga

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Girish Chandra Jha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 14-09-2017 Heard the parties.

The appellants seek pre arrest bail in connection with SC/ST P.S.case No.22 of 2014, registered for offences punishable under Sections 147, 504, 323, 354, 376 and 511 of the Indian Penal Code and section 3(i)(x) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants, who happens to be father and son, of committing rape upon the complainant.

Submission of the learned counsel for the appellants is that the entire story is false and concocted as it is not probably that father and son can commit rape of the complainant jointly, as such no such occurrence has happened.

Heard learned Special P.P. also, who has opposed the prayer for privilege of *pre arrest bail* on the ground of



maintainability.

Having heard both sides, this appeal is not maintainable.

Let the appellants surrender before the court of Special Judge within a period of six weeks from the date of receipt/production of a copy of this order and make prayer for regular bail, which will be considered by the court of learned Special Judge on the basis of submission as advanced above and he will pass appropriate order without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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