

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48274 of 2017

Arising Out of PS.Case No. -128 Year- 2017 Thana -JANTA BAZAR District- SARAN

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1. Daroga Sah, Son of Late Mangal Das,
2. Kundan Das, Son of Government Das @ Shambu Das, Both resident of
Village- Dayalpur, P.S.- Janta Bazar, District- Saran at Champa.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 04-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with
Janta Bazar P.S. Case No.128 of 2017 instituted for the offence
under Sections 323, 341, 379 and 376 of the Indian Penal Code.

There is specific allegation against both the petitioners in
the complaint petition that while informant had gone for call of
nature, these petitioners committed rape with her and also caused
injury on her face, breast and stomach. It has also been alleged
that bleeding took place from the private part of complainant. The
complaint was filed in the court on 21.10.2016 and thereafter, the
case has been registered after the same being sent to the police
under Section 156(3) Cr.P.C.

Learned counsel for the petitioner has submitted that



there is land dispute between the parties. There is no medical examination of the victim. Police did not record the statement of the victim under Section 164 Cr.P.C.

Learned A.P.P. has submitted that case diary has been received wherein it has been mentioned that investigation is still continuing.

There is specific allegation against the petitioners of committing rape with the informant. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

The prayer for anticipatory bail of the petitioners stands rejected.

The petitioners may surrender before the court below and make prayer for regular bail which shall be considered/disposed of by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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