

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35862 of 2017

Arising Out of PS.Case No. -30 Year- 2017 Thana -CHHATAPUR District- SUPAUL

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1. Prabhu Kumar Sah @ Prabhu Kumar,
2. Ravinder Sah, Both Sons of Bindeshwari Sah.
3. Raj Kumar Sah,
4. Rajesh Sah, Both Sons of Chandeshwar Sah,
5. Ranjeet Kumar Sah Son of Arjun Sah,
6. Arjun Sah, Son of Late Sitaram Sah, All are R/o Village- Gheewaha, P.S.- Chhatapur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 19-08-2017 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Chhatapur Police Station Case No. 30 of 2017, disclosing offences under Sections 364A, 120B, 427, 504, 323 and 506 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the petitioners, who are of clean antecedent, are innocent and have not committed any offence. In fact, the alleged occurrence is of 05.01.2017 whereas the complaint has been lodged on 10.01.2017 after lapse of five days without explaining



plausible delay, which itself creates doubt on the prosecution version. The victim in her statement recorded under Section 164 Cr.P.C. has disclosed a different story from the allegation as alleged in the complaint. The medical report also does not disclose anything in support of commission of rape on the victim. Moreover, the parties have settled their dispute by way of a compromise. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on 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 Chief Judicial Magistrate, Supaul, in connection with Chhatapur Police Station Case No. 30 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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