

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29543 of 2017

Arising Out of PS.Case No. -109 Year- 2015 Thana -BAUNSI District- ARRARIA
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- 1. Anku Rishideev, Son of Kalanand Rishidev,
- 2. Raju Mukhia @ Raju Rishidev, Son of Jalapu Rishidev, Both are Resident of Village- Deosthat, Police station- Bousi, District- Araria.

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s
=====

Appearance :
For the Petitioner/s : Mr. Mukesh Kumar Rana
For the Opposite Party/s : Mr. Sri Ahmad Ali
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Bousi P.S. Case No. 109 of 2015 instituted for the offence under Sections-363, 366A/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that initially, the police after investigation, did not sent up these petitioners but the learned Magistrate differing with the final form, took cognizance against the accused persons including the petitioners. The victim girl in her statement recorded u/S 164 of the Cr.P.C. has not taken the name of these petitioners. There is error of the record in the impugned order of learned Sessions Judge wherein, it has been mentioned that the victim girl has levelled specific allegation of committing rape against these petitioners in the statement recorded u/S 164 of the Cr.P.C.



C.D. has been called for and the same has been received. The statement of victim girl is available in para-68 of the case diary wherein she has not made any specific allegation of overt act against these petitioners.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Bousi P.S. Case No. 109 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Araria subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (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, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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