

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39502 of 2017

Arising Out of P.S.Case No. -141 Year- 2017 Thana -SONEPUR District- SARAN

- =====
1. Jatan Rai Son of Late Bunilal Rai
 2. Raj Kumar @ Raj Kumar Rai
 3. Mohan Rai Both Sons of Jatan Rai All residents of village - Sabalpur Chaharam, P.S. Sonapur, Dist Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party : Smt. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 22-08-2017 Heard.

2. The petitioners apprehend arrest in connection with Sonapur P.S.Case No.141 of 2017 registered for an offence under Sections 341, 323 and 376/511 of the IPC.

3. A complaint case was filed on the file of CJM which was sent to police station under Section 156(3) of the Cr.P.C. on the basis of which Sonapur P.S.Case No.141 of 2017 registered under Sections 376/511 of the IPC. It has been submitted that petitioner nos.2 and 3 are sons of petitioner no.1. The allegation of attempt of commit rape against petitioner no.1 has been alleged only to put pressure on the petitioners so that they may compromise the criminal case which was filed by the wife of



petitioner no.1 much earlier to the present case for the offence under Section 307 and other ancillary Sections of the IPC. The complainant who is the wife of petitioner no.1 had lodged Sonapur P.S.Case No.571 of 2014 on the allegation that the husband of present complainant and his family members brutally assaulted her she was firstly treated at PHC and thereafter was referred to PMCH where in course of treatment her fardbeyan was recorded by the police of Pirbahore P.S. Patna. From the allegation at best offence under Section 354(A) of the IPC is made out. The petitioners are agnate of the complainant and are at litigating term. The allegation is vague and so the petitioners deserve anticipatory bail.

4. Learned APP opposed the submissions.

5. From perusal of documents and annexures available on record, it appears that these petitioners are agnates of the husband of the complainant. The wife of petitioner no.1 and mother of petitioner nos.2 and 3 had lodged Sonapur P.S.Case No.571 of 2014. The said case was registered against the complainant and her husband and three sons. The said case is pending for disposal. The allegation of assault and outraging her modesty is vague.

6. Considering the nature of allegation facts and



circumstances, prayer for anticipatory bail is allowed. Let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender within a period of six weeks from today on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of ACJM-Ist, Saran at Chapra in connection with Sonepur P.S.Case No.141 of 2017 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjay Kumar, J)

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