

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57733 of 2017

Arising Out of PS.Case No. -771 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Raju Koerala, S/o Late Ganesh Bhagat,
2. Subhash Kumar @ Nagendra, S/o Bachchan Bhagat, Both R/o Village-
Bahdinpur, P.S.- Paroo , District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seema Devi, W/o Sunil Kumar, R/o Village- Bahdinpur, P.S.- Paroo,
District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 18-12-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Complaint Case No. 771 of 2016, registered under Sections
376, 457, 323, 504, 506 and 380/34 of the Indian Penal Code.

The accusation is that after taking the dinner, on
18.06.2016, informant slept in her house. After some time, both
petitioners entered in her house. But she woke up and raised
alarm then petitioner no. 1 Raju Koerala, put his hand at her
mouth and petitioner no. 2, Subhash Kumar started to unfold her
cloth. Thereafter, petitioner no. 1 committed rape and also put her



naked picture. On raising alarm by the complainant, petitioner no. 1, on the point of pistol, snatched her silver chain whereas petitioner no. 2 took her mobile. They also threatened her to put her naked picture on Whatsapp in case of lodging the case.

Learned counsel for the petitioners submits that, in fact, Ganesh Prasad Kushwaha, father of petitioner no. 1 had filed Later of Administration Case No. 45 of 2015 against Suraj Prasad Kushwaha, Suresh Prasad Kushwaha and Smt. Radhika Devi, father-in-law, cousin father-in-law and grandmother-in-law of the complainant and after the death of father of the petitioner no. 1, the name of petitioner no. 1, his mother Prabha Devi and minor sister Deepika Kumari were impleaded as applicant on 17.02.2016. Thereafter, only to give undue pressure to withdraw the aforesaid case, the complainant has lodged the present case with false allegation against petitioner no. 1 and his friend petitioner no.2. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below 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 the J.M. Ist Class, Muzaffarpur,
in connection with Complaint Case No. 771 of 2016, subject to the
condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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