

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15999 of 2017

Arising Out of PS.Case No. -863 Year- 2015 Thana -COMPLAINT CASE District- LAKHISARAI
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1. Bhola Mahton, Son of Sri Kishun Mahton, Resident of Village- Abgil Rampur, (Hussaina) , P.S.- Medinichowki, District- Lakhisarai,
2. Rakesh Kumar, Son of Ramotar Mahton, Resident of Village- Dighri, Police Station- Manikpur, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Devi @ Sabo Devi, W/o Niraj Mahton, Resident of Village- Abgil, Rampur,(Hussaina), P.S.- Medinichowki, District- Lakhisarai.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar
For the Opposite Party/s : Mr. Sri Parmanand Prasad
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 03-05-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Complaint Case No. 863C of 2015 (Arising out of Mednichoki P.S. Case No. 09 of 2013) instituted for the offence under Sections-323, 376, 379/34 of the Indian Penal Code.

As per allegation in the protest-cum-complaint petition, there is allegation against petitioner No. 1 of committing rape with the complainant. Therefore, this court is not inclined to grant anticipatory bail to the petitioner No. 1. Accordingly, his prayer for anticipatory bail stands rejected.

The petitioner No. 1 is directed to surrender in the court



below and seek regular bail which shall be considered on its own merit without being prejudiced by this order.

So far as allegation against petitioner No. 2 namely, Rakesh Kumar is concerned; there is allegation that he along with Amit Kumar and other have committed rape with her. Amit Kumar has already been granted anticipatory bail by a coordinate bench of this court by order dated 10-02-2017 passed in Cr. Misc. No. 6532 of 2017.

In such circumstances, prayer for anticipatory bail of petitioner No. 2 is allowed it is ordered that the petitioner No. 2 named above, in the event of his arrest or surrender in the court below within four 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 Complaint Case No. 863C of 2015 (Arising out of Mednichoki P.S. Case No. 09 of 2013) to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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