

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33689 of 2018

Arising Out of PS. Case No.-56 Year-2017 Thana- MAHILA P.S. District- Banka

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1. Bahadur Das, S/o Mahendra Das,
 2. Hamanti Devi W/o Bahadur Das, Both are R/o Vill.- Kamat Sanhoulla, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-07-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Mahila P.S. Case No. 56 of 2017 dated 04.12.2017 instituted for the offences under Sections 448, 341, 323, 324, 504, 506 and 379/34 of the Indian Penal Code.

The petitioners are the neighbours of the informant. It has been alleged that petitioner no. 1 attempted to commit rape upon the informant and in the process, petitioner no. 2, who is the wife of petitioner no. 1 abused her.

Learned counsel for the petitioners has submitted that the case *prima facie* appears to be absurd as no wife would support her husband if he attempts to



commit rape of a woman. That apart, petitioner no. 2 has also filed a case earlier alleging attempt of rape on her by the husband of the informant of the present case.

It appears that the neighbours are not on cordial terms.

Considering the aforesaid facts, the petitioners above named are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Banka in connection with Mahila P.S. Case No. 56 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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