

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.391 of 2018

Arising Out of PS. Case No.-440 Year-2017 Thana- SAKRA District- Muzaffarpur

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1. Kameshwar Rai son of Late Darshan Rai
 2. Lalita Devi wife of Kameshwar Rai
 3. Rishikesh Ranjan @ Ricky son of Kameshwar Rai
- All resident of village-Bhatandi, P.S. Sakra, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. SRI UDAY PRATAP SINGH

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-03-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sakra P.S. Case No. 440 of 2017 registered for the offence punishable under Sections 341, 323, 354, 376, 504, 506, 509 and 34 of the Indian Penal Code.

The allegation is against one Divikesh Ranjan @ Bholu of committing rape on the daughter of the informant and thereafter the petitioners herein are said to have been trying to save the said perpetrator of crime and in the process an altercation had taken place between the accused persons and the informant side.

The learned counsel for the petitioners submits that if at



all anybody is responsible for the allegations levelled, it is the said Divikesh Ranjan @ Bholu and not his parents or brother, who are the petitioners herein and in fact they have no complicity in the matter. It is further submitted that the case diary would also show that the witnesses have not supported the allegations levelled in the FIR as far as the petitioners herein are concerned. The petitioners are stated to be having a clean antecedent. It is further submitted that the petitioners are ready to join investigation.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-cum-Sub-Judge, 13th, Muzaffarpur in connection with Sakra P.S. Case No. 440 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



It is further directed that the petitioners herein will join investigation and they will cooperate the investigating agency and if they do not join investigation, the prosecution shall be free to approach this Court for cancellation of their bail.

It is further directed that the petitioners herein would report at the concerned Police Station at 10:00 A.M. on Monday of the week, at least once in a fortnight, and in case of two continuous defaults, the present privilege of anticipatory bail granted to the petitioners herein would stand cancelled automatically and the petitioners would be taken into custody forthwith.

S.Sb/-

(Mohit Kumar Shah, J)

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