

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46107 of 2018

Arising Out of PS.Case No. -101 Year- 2017 Thana -CHAURADANO District-
EASTCHAMPARAN (MOTIHARI)

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1. Emam, S/o Islam, R/o vill.- Semarahiya, P.S.- Chhauradano, District-
East Champaran.

2. Firoz S/o Nurain @ Nurnain Miya, R/o Vill.- Shambhu Tola Jaisinghpur
Belghatti, P.S.- Shambhu Tola Jaisinghpur Belghatti, P.S.- Turkauliya,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-08-2018 Heard learned counsel for the petitioners as well as the

State.

The petitioners apprehend their arrest in

Chhauradano P.S. Case No. 101/2017, instituted for the offences

punishable under Sections 448, 376 and 34 of the Indian Penal

Code.

In the written report, it is alleged that both petitioners

entered into house of the informant and committed rape with her.

It is further alleged that informant is a handicapped lady.

Statement of the informant under Section 164 Cr.P.C. has been

recorded, which has been enclosed as Annexure-2, wherein she



has supported the case and levelled specific allegation against these petitioners of committing illegal act.

Learned counsel for the petitioners has submitted that the informant is in the habit of filing cases against these petitioners due to family dispute. Earlier informant had filed Complaint Case No. 2478/2015 against her husband and others including petitioner no. 2. Mother of the informant had also filed Chhauradano P.S. Case No. 57/2017 against petitioner no. 2 and others.

Considering the statement of the informant under Section 164 Cr.P.C. that these petitioners committed illegal act with her, who is a handicapped lady, this Court is not inclined to grant anticipatory bail to these petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

The petitioners are directed to surrender before the Court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, which shall be considered on its own merit without being prejudiced by this order.

(Sanjay Priya, J.)

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