

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41559 of 2018

Arising Out of PS.Case No. -118 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

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1. Deep Prakash @ Divya Prakash Yadav S/o Om Prakash
2. Priya Prakash S/o Jay Prakash Yadav both are residents of Village - Oil
Tola, Maranga, P.S. K. Hat, District - Purnea.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh with
Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Ram Sumiran Roy

For the Informant : Mr. Bhola Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-08-2018 Heard learned counsel for the petitioners.

Petitioners apprehend their arrest in connection with
Araria Mahila P.S.Case No. 118 of 2016, G.R.No. 4200 of 2016,
registered for the offences punishable under Section 376D of the
Indian Penal Code.

Allegation against the petitioners is of committing gang
rape on the informant.

Submission of learned counsel for the petitioners is that
in this case police after investigation has submitted final form
finding case not true but learned Magistrate has taken cognizance
of the offence in this case. Moreover, brother of the informant is
an accused in murder case of brother of petitioner No.1 in which



he has been convicted also and in the present case the petitioners have been made accused.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for anticipatory bail on the ground that statement recorded in the case diary makes out a case under Section 376G IPC and as such petitioners are not entitled to anticipatory bail.

Having heard both sides and in the facts and circumstances, I am not inclined to grant privilege of anticipatory bail to the petitioners. If the petitioners surrender and make prayer for regular bail the same shall be considered by the court below and disposed of, if possible, on the same day.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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