

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38661 of 2018

Arising Out of PS.Case No. -46 Year- 2017 Thana -MAHILA PS District- KHAGARIA

=====

1. Birendra Choudhary, S/o Late Bawan Choudhary,
2. Rambol Choudhary, S/o Birendra Choudhary,
3. Rahul Choudhary, S/o Birendra Choudhary,
All R/o Vill.- Shiromani Tola, P.S.- Parwatta, Distt.- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Renu Devi, W/o Manoj Sah, R/o Vill.- Shiromani Tola, P.S.- Parwatta,
Distt.- Khagaria.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate.

For the Opposite Party/s : Smt. Pushpa Sinha, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-07-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Khagaria**
(Mahila) P.S. Case No. 46 of 2017 instituted for the offence under
Sections 376, 341, 323, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
police after investigation has submitted final form against the
petitioners, but the court below has taken cognizance against the
petitioners for the offence under Sections 376 read with other allied
Sections of the Indian Penal Code.

Learned Sessions Judge has mentioned in the impugned
order that witnesses in different paragraphs of the case diary have
supported the case of the prosecution. The informant in his re-statement



made in paragraph-7 of the case diary has stated that no occurrence took place with her. She has lodged the instant case against the petitioner on pressure of her mother-in-law.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Khagaria (Mahila) P.S. Case No. 46 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **Miss. Simmi Kujur, learned Judicial Magistrate 1st Class, Khagaria**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

S.Ali/-
Rohit Kr.

U		T	
---	--	---	--

