

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2338 of 2019**

Arising Out of PS. Case No.-70 Year-1999 Thana- PATAHI District- East Champaran

1. Surendra Sahani age 50 years Gen- Male s/o Bigan Sahani resident of village- Gonahi, P.s.- Patahi Distt. East Champaran.
2. Gonaur Sahni age 68 years Gen-Male s/o Dev Raj Sahani R/o Village- Gonahi, p.s.- Patahi, Distt. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Nirmal Kumar Sinha (App 199)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 28-02-2019 Heard learned counsel for the parties.

Petitioners seeks bail in **Patahi P.S. Case No. 70 of 1999** registered for the offence punishable under Section 376 of the Indian Penal Code.

Allegation against the petitioners is of forcibly entering the house of the Informant along with FIR named accused and taking her outside the house and committing rape upon her on the point of pistol. Informant had filed a complaint case in the court of CJM which was referred to police under section 156(3) of the Cr.P.C for institution of FIR.



It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case for putting pressure upon the petitioners. This case is counter blast of Patahi P.S. Case No. 61 of 1999. There is general and omnibus allegation against the petitioners. It has been submitted on behalf of the petitioners that the parties have entered into compromise by way of compromise petition annexed as Annexure-3 to this application. Petitioners have got no criminal antecedent and are in custody since 24.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, East Champaran, Motihari**, in connection with **Patahi P.S. Case No. 70 of 1999**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the



court below.

(3) If the petitioners tampers 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.

(S. Kumar, J)

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