

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30391 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- MAHILA P.S. District- Rohtas

1. Sohrab Sai, aged about 18 years, Gender – Male, Son of Late Irshad Sai, Resident of Village - Badhaiya Bagh, P.O. - Bajar Samiti Takiya, P.S.- Sasaram (Model), Dist.- Rohtas.
2. Yunus Sai, aged about 30 years, Gender – Male, Son of Yusuf Sai, Resident of Village - Badhaiya Bagh, P.O. - Bajar Samiti Takiya, P.S.- Sasaram (Model), Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 10-07-2019 Heard learned counsel for the parties.

The petitioners seek bail in connection with Mahila P.S. Case No. 13 of 2019 registered under Sections 342, 376-D, 504, 506 and 379 of the Indian Penal Code.

The prosecution case in brief is that one Shanti Devi, wife of Bigu Sah, resident of Muhalla- Nuranganj, P.S.- Sasaram, District – Rohtas (the informant) gave a written report to the SHO of Mahila P.S.- Sasaram, District – Rohtas on 04.02.2019 alleging inter alia that she along with her family members live in a rented house and her husband is engaged in as a Kulli in transport. She further alleged therein that on 04.02.2019 at about 5'o clock when her husband was out and



the gate of her house was open in the meantime it is alleged that two persons, namely, Sohrab Sai and Yunush Sai entered her house and at the point of country made pistol, the accused, namely, Yunush Sai committed rape upon her and Sohrab Sai helped in the aforesaid Act.

It is further alleged by her, the accused persons also took away a box containing some jewelries and amount of Rs. 40,000/- (forty thousand).

There is case and counter case between the informant and the petitioners.

The police after investigation has submitted the final form in favour of the petitioners but the learned court below differing with the findings recorded by the investigating agency has been pleased to take cognizance of the offences under Sections 342, 376-B, 504, 379 of IPC against the petitioners.

Learned counsel for the petitioners has submitted that there is no any sign of rape has been found by the doctor who has medically examined the victim. The petitioners are in custody since 05.02.2019.

In the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of



the like amount each to the satisfaction of Chief Judicial Magistrate at Sasaram, District- Rohtas in connection with Mahila P.S. Case No. 13 of 2019, subject to the following conditions :

(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) The petitioners will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(3) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Anjani Kumar Sharan, J)

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