

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42605 of 2019

Arising Out of PS. Case No.-252 Year-2017 Thana- AKBARPUR District- Nawada

1. Sudhir Singh, Late Jago Singh Resident of Village- Gangta, Police Station- Akabarpur, District- Nawada.
2. Binod Singh @ Phullu Singh, Son of Late Jago Singh Resident of Village- Gangta, Police Station- Akabarpur, District- Nawada.
3. Ramanuj Singh @ Anuj Singh, Son of Late Jago Singh Resident of Village- Gangta, Police Station- Akabarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar
For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 27-09-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Learned counsel for the petitioner submits that during the pendency of this application, petitioner No.3 has died. Accordingly, this application against petitioner No.3 has become infructuous and the same is dismissed as infructuous against petitioner No.3.

So far as petitioner No.1 and 2 are concerned, they apprehend their arrest in connection with Akbarpur P.S. Case No.252 of 2017, for the offence punishable under Sections 147, 148, 341, 323, 354, 376, 511, 447, 448, 504 and 506 of the



Indian Penal Code.

The allegation against the petitioners is that petitioner along with other accused persons entered into the house of the informant having armed with lathi, danda, rod and rifle etc. and starting abusing the informant. It has further been alleged that the petitioner No.1 and 2 ordered to commit rape upon the wife of the informant on which another accused pulled the wife of the informant down and trying to commit rape.

Mr. Rajesh Kumar, learned counsel for the petitioners submits that petitioners have falsely been implicated in this case to put pressure upon them inasmuch as prior to the present occurrence, the brother of the petitioners was killed by the side of the informant for which Akbarpur P.S. Case No.27 of 2017 was lodged. Learned counsel further submits that the present FIR has been lodged with *mala fide* intentions to desist the petitioner from pursuing the previous case in which brother of the petitioners was killed.

On the other hand learned counsel appearing for the informant vehemently opposes the prayer for anticipatory bail and submits that on the instruction of the petitioners, the other accused persons tried to commit rape upon the wife of the informant.



Having regard to the submissions made by the parties and taking into consideration the fact that petitioners are order giver and no rape has been committed on the wife of the informant, I am inclined to grant anticipatory bail to petitioner No.1 and 2.

Accordingly, petitioner No.1 and petitioner No.2, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Ist, Nawada, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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