

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42336 of 2019

Arising Out of PS. Case No.-134 Year-2018 Thana- PAHARKATTA District- Kishanganj

1. Md.Barjahan, Son of Samsul Haque, Resident of Village- Mirjadpur, P.S.- Chakulia, District- Uttar Dinazpur (W.B.).
2. Md. Sahajahan, Son of Samsul Haque, Resident of Village- Mirjadpur, P.S.- Chakulia, District- Uttar Dinazpur (W.B.).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samirun Nisha, Wife of Sahajahan, Resident of Village- Kehsar Jhara, P.S.- Paharkatta, District- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 26-08-2019 This is an application for grant of anticipatory bail in connection with Paharkatta Case No. 134 of 2018, disclosing offences under Sections 323, 379, 498(A), 376, 511 of IPC and Section 3/4 of D.P. Act.

Petitioner no.1 who happens to be Devar and petitioner no.2 who happens to be the husband of the complainant. On the basis of the complaint case, F.I.R. has been lodged with an allegation that she was married with petitioner no.2 and after the marriage, petitioner no.1 attempted to commit rape upon her and threatened her also. Further allegation is that accused persons including the petitioner no.2 and other demanded Rs.50,000/- and for that, they kept confined her also. Further case is that she was ousted from the



house for the said demand.

Submission of the learned counsel for the petitioners is that the statement of mother of the victim clearly disclosed that she is residing in the house of her mother and moreover, the materials collected during the investigation in the case diary disclosed that none of the witnesses has supported the allegation of attempt to commit rape. So far other allegations are concerned, they are general in nature against the petitioners.

Heard learned A.P.P. also.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of Sri P.K. Tiwari, learned Judicial Magistrate, 1st Class, Kishanganj, in connection with Paharkatta Case No. 134 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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