

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70778 of 2018

Arising Out of PS. Case No.-51 Year-2018 Thana- AANDAR District- Siwan

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1. Munib Maurya S/o Ramdaras Koeri, R/o Do Sau Kattha Tarkulha Devi ke Paas, P.S.- Bagaha, District- Gorakhpur.
 2. Babloo Yadav, S/o Late Sri Nandan Yadav, R/o Bharatpuri A. Taalakatora beside bread factory, P.S.- Alambagh, District- Lucknow.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 302, 376, 366(A), 380/34 of the Indian Penal Code.

The prosecution case, in brief, is that Mala Kumari and Roshani Kumari were taken away by accused persons for illegal act. It is alleged that the companion of Babloo Yadav used to commit rape with Mala Kumari and said Mala Kumari was killed.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The informant of the present case is none but the husband of accused No. 2 and father of accused No. 1. From perusal of paragraph-51 of the case diary, it



is evident that a false case was instituted in respect of the offence as alleged in the FIR. None is said to have been murdered in the present case. There is no postmortem report nor there is any other circumstantial evidence which can be relied upon in respect of the allegation, made by the informant.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Siwan in connection with Aandar P.S. Case No. 51 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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