

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51315 of 2019

Arising Out of PS. Case No.-234 Year-2019 Thana- MASAUDHI District- Patna

1. Sujit Prasad @ Sujit Kumar, aged about 25 years, Male, Son of Krishna Prasad, residents of Village - Mayabigha, P.S.- Masaurhi, District- Patna
2. Ajit Prasad @ Ajit Kumar, aged about 26 years, Male, son of Birji Prasad resident of Village - Mayabigha, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Masaurhi P.S. Case No. 234 of 2019, registered for the offence punishable under Section 147, 149, 448, 379, 341, 323, 376(D), 302 of the Indian Penal Code and Section 6 of the Protection Of Children From Sexual Offences Act, 2012.

The prosecution story as per the First Information



Report is that altogether fifteen persons, including the petitioners, allegedly entered into the house of the informant and indulged in *loot-paat* of the household properties. It has further been alleged that the five persons amongst the fifteen persons, who entered into the house of the informant, committed rape upon the daughter of the informant and also killed her after pressing her neck.

Mr. Rajesh Ranjan, learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as from perusal of the First Information Report it would be evident that no specific allegation has been levelled against the petitioners that petitioners along with other accused have allegedly entered into the house of the informant and committed loot etc. Learned counsel further submits that no allegation of committing rape and murder is there upon these two petitioners. Learned counsel further submits that from perusal of the inquest report and the post- mortem report, which are mentioned in paragraph nos. 2, 29 and 101 of the case diary, it would be evident that in the inquest report Police found ligature mark upon neck of the deceased and the cause of death is *asphyxia* due to hanging. Learned counsel referring to the statement made by independent witnesses submits that



witnesses have said that the daughter of the informant was found hanging in a room, which was closed from inside. Learned counsel further submits that in the medical report no mark of rape has been found on the person of the deceased. Learned counsel further submits that there was love affair between the deceased and a boy of the adjacent village and this may be a case of suicide by the deceased or of honour killing. Learned counsel submits that there is no material to connect the petitioners with the present case.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the fact that no specific allegation is there against the petitioners of committing rape and of murder of the daughter of the informant, as such, I am inclined to grant privilege of anticipatory bail to the petitioners. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on anticipatory bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge C.B.I.- II, Patna in



connection with Masaurhi P.S. Case No. 234 of 2019; subject to
the conditions as laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anil Kumar Sinha, J)

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