

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61089 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- MEDNI CHAUKI District- Lakhisarai

1. Sonu Kumar, Male, Aged about 25 years, Son of Anirudh Sharma, Resident of Village- Paharpur, Police Station- Medni Chowki, District- Lakhisarai.
2. Nitish Kumar, Male, Aged about 20 years, Son of Bambam Paswan, Resident of Village- Paharpur, Police Station- Medni Chowki, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Raju, Adv.
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Medni Chowki P.S. Case No.42 of 2019 registered under sections 376, 511, 506, 504/34 of the IPC.

The allegation against the petitioners, as per the first information report, is that the petitioner no. 1 entered into the house of the informant and tried to rape her and also threaten to kill her. It has further been alleged that the petitioner no. 1 entered into the house of informant and the petitioner no. 2 was standing outside the house of the informant.

Learned counsel appearing for the petitioners submits



that both the parties belong to the same village and the FIR has been lodged after the lapse of about 6 days inasmuch as the occurrence has taken place allegedly on 15.06.2019 but the FIR has been lodged on 22.06.2019. Learned counsel relying upon the paragraph 8 of this application submits that statement of the victim was recorded under Section 164 of Cr.P.C and in her statement she has stated that the petitioner no. 1 had entered into the house of the informant with an intention to commit theft.

Having regard the submission made by the parties and taking into consideration the fact that in her statement under Section 164 Cr.P.C, the informant has stated that the petitioner no. 1 had entered into her house with an intention to commit theft and the petitioner no. 2 was merely standing outside of the house of the informant, I am inclined to grant anticipatory bail to both the petitioners.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today 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 the learned Additional Chief Judicial Magistrate-1st, Lakhisarai in connection with Medni



Chowki P.S. Case No. 42 of 2019, subject to the condition as
laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

Anjula/-

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