

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62647 of 2019

Arising Out of PS. Case No.-374 Year-2019 Thana- BAHERA District- Darbhanga

1. GOPAL MISHRA Son of Late Ram Prasad Mishra
 2. Mithlesh Devi Wife of Gopal Mishra
 3. Sunita Devi Wife of Sharwan Mishra
 4. Keshav Kumar Mishra Son of Sharwan Mishra
- All are resident of Village-Mahinam, P.S.-Bahera, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-10-2019 Heard both sides.

The petitioners apprehend their arrest in Bahera P.S.
Case No.374 of 2019 registered under Sections 376, 341, 323,
504 and 34 of the Indian Penal Code.

The victim alleged that while she was all alone in her house, Sharwan Mishra came to her darwaza and forcibly took her in a godown after pressing her mouth. Sharwan Mishra committed rape with her. When the prosecutrix and her husband went to complain to the father, mother and other relatives of Sharwan Mishra, they abused and tried to insult the informant.

The learned counsel for the petitioners submits that petitioners are father, mother, wife and son of Sharwan Mishra



and they have falsely been implicated in the case on account of enmity.

Learned counsel for the informant however opposed the prayer for anticipatory bail.

It appears that petitioners are father, mother, wife and son of Sharwan Mishra who is alleged to have committed rape with the victim and the only allegation against the petitioners is that they abused the victim and her husband when they came to complain about the misdeeds of Sharwan Mishra.

Taking into consideration the facts aforesaid, 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 the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Benipur, Darbhanga in connection with Bahera P.S. Case No.374 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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