

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65322 of 2019

Arising Out of PS. Case No.-57 Year-2019 Thana- PAHARKATTA District- Kishanganj

1. PURA LAL Son of late Doman Lal
 2. Jay Prakash Son of Pura Lal
 3. Shanti @ Shanti Devi Wife of Pura Lal
- All are Residents of Village - Chhatteergach, P.S.- Paharkatta, Distt - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Singh

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-11-2019 Learned counsel for the petitioners submits that during the pendency of this application, petitioner no. 3 has been arrested.

This application as against petitioner no. 3 is dismissed having become infructuous.

The petitioners apprehend their arrest in connection with Paharkatta P. S. Case No. 57 of 2019 registered under Sections 376 and 506/34 of the Indian Penal Code.

The prosecution story as per FIR is that one Bharat Lal, son of petitioner no. 1, continuously raped the informant on the pretext of marriage.

Learned counsel appearing on behalf of the petitioners submits that petitioners have unnecessarily been dragged in this



case inasmuch as petitioners no. 1 and 2 happened to be the father and brother of main accused Bharat Lal, who allegedly raped upon the informant. He, referring to Annexure-2, submits that a Medical Board was constituted to examine the victim/informant and the Three-members Medical Board, after medical examination of the victim, has come to conclusion that there is no evidence of real sexual intercourse upon the victim.

Having regard to the submissions made by the parties and taking into consideration the fact that petitioners no. 1 and 2 are father and brother of main accused Bharat Lal, I am inclined to grant anticipatory bail to the petitioners no. 1 and 2.

Let the petitioners no. 1 and 2, above-named, in the event of 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 bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned CJM, Kishanganj in connection with Paharkatta P.S.Case No. 57 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

suji/-

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