

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7079 of 2020

Arising Out of PS. Case No.-372 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. VINOD GUPTA Son of Nand Lal Gupta Resident of Village - Ektara, P.S.- Arer, District - Madhubani.
 2. Mukesh Gupta Son of Satya Narayan Gupta @ Satto Gupta Resident of Village - Ektara, P.S.- Arer, District - Madhubani.

... .. Petitioners

Versus

1. THE STATE OF BIHAR Bihar
2. Puja Kumari Daughter of Rama Gupta Resident of Village - Ektara, P.S.- Arer, District - Madhubani.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-06-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

Petitioners apprehend arrest in C.R. Case No. 372 of 2018 registered under Sections 341, 323, 379, 354(B), 504 and 34 of the IPC.

The complaint petition alleges that while she had gone to attend the call of nature to the west of her house, the complainant was caught by petitioner No. 1 as well as petitioner No. 2. Petitioner No. 2 is alleged to have attempted rape upon the complainant.

Learned Counsel for the petitioners submits that the complaint petition is Primafacie false and based on extraneous



consideration. Occurrence is of 3.10.2018, the complaint however has been lodged on 8.10.2018. In the solemn affirmation, the complainant has not even uttered a whisper about the attempted rape against either of the petitioners. Past enmity is evident from the statement of the complainant on solemn affirmation. Age of the complainant in solemn affirmation has been mentioned as 18 years whereas in the complaint petition the same has been mentioned as 15 years. The petitioners bear clean antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners, above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Benipatti, Madhubani in C.R. Case No. 372 of 2018 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

