

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71411 of 2019

Arising Out of PS. Case No.-353 Year-2019 Thana- CHIRAIYA District- East Champaran

1. Bigu Anshari Son of Late Abdul Anshari
2. Majabun Nesha D/o Late Bigu Ansari
3. Atahar Anshari @ Akhtar Ansari @ Md. Athar Alam Son of Mobarak Anshari All resident of Village - Gokhula, P.S.- Chiraiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioners are apprehending their arrest in Chiraiya
P.S. Case no. 353/2019 registered under sections 341, 323, 420
and 376/34 of the IPC.

Prosecution case is that petitioner no.1 allured the
informant by representing that he would be resorting to
witchcraft to restore the informant's relation with her husband
who was residing outside the State. FIR has been lodged much
later alleging that in the meantime on the basis of such
allurement, informant was being physically abused, and rape has
also been committed upon her between the period. Petitioner



nos. 2 and 3 are said to have supported and facilitated such action of petitioner no.1.

Counsel for the petitioners submits that FIR has been lodged much later which is clearly indicative of false implication of the petitioners. Prosecution as stated in the FIR is highly improbable. Informant subsequently realized her mistake and has filed a joint petition seeking to compromise the case, copy of which is annexure 2 to bail petition. Prior to instant case, it is specifically stated that the petitioners have no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the aforesaid submissions, prayer for anticipatory bail is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Sikrahnna at Dhaka, East Champaran in Chiraiya P.S. Case no. 353/2019 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) That one of the bailors will be a close relative of



the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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