

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87277 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- MAHILA P.S. District- Kishanganj

1. SUBODH KUMAR Son of Late Ram Narayan Mandal
2. Sulekha Sinha Wife of Subodh Kumar,
3. Awadhesh Kumar @ Awadhesh Kumar Mandal, Son of Late Ram Narayan Mandal,
4. Sushma Devi @ Sushma Rani, Wife of Awadhesh Kumar Mandal,
5. Ishwar Chandra Vidya Sagar @ Ishwar Chandra @ Pintu, Son of Deep Narayan Mandal,
All R/O Village - Bariya, P.S.- Tikapatti, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv.
	:	Dr. Bidhu Ranjan, Adv.
For the informant/s	:	Mr.Sanjay Kumar Tiwary, Adv.
	:	Md. Fazle Karim, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-02-2020 Heard learned senior counsel assisted by Dr. Bidhu Ranjan for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 376, 504, 506/34 of the Indian Penal Code.

Prosecution case in brief is that the informant lodged a typed written report on 26.09.2019 with allegation that she under the patronage of her brother Ravi Prakash is ensuring for preparation for B.P.S.C. examination and her father is a retired gazetted officer and resides at Katihar whereas she is residing at



Kishanganj with her brother Ravi Prakash, Court Manager, Kishanganj. She further alleged that during her stay at Katihar one Gaurav Kumar distant relative used to visit her residence at Katihar and when she came at Kishanganj her brother Ravi Prakash took the said Gaurav Kumar at her residence at Kishanganj and during the deliberation, she learnt that the said Gaurav Kumar was posted at Ranipatra in the post of Asst. Station Master and she asked for the guidance of her examination from Gaurav Kumar. When Gaurav Kumar again visited Kishanganj then she transmitted the information to her brother with regard to the arrival of Gaurav Kuamar. It has further alleged that in the last week of August she said Gaurav Kumar arrived at Kishanganj and by closing the door committed rape in spite of her protest and threatened not to disclose the committed of rape to anybody otherwise she would be compelled to face dire consequences. Under fear she did not disclose the act of crime and on 14.09.2019 the said Gaurav Kumar arrived at her place but she closed the door and intimated to her brother on the same day. She further claimed that Gaurav Kumar by winning her confidence committed rape and her family member narrated the occurrence to the family members of Gaurav Kumar i.e. to the petitioners but the family



members did not respond members were rebutted by the petitioners.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged. There is no specific allegation against the petitioners and the family members of the accused Gaurav Kumar. The petitioners have got no criminal antecedent. There is specific allegation against Gaurav Kumar.

In the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Kishanganj in connection with Kishanganj Mahila P.S. Case No. 38 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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