

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12893 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- MAHNAR District- Vaishali

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1. Vinay Chaudhary Son Of Nagina Chaudhari Resident Of Village Jawaj, P.S. Mahanar, District-Vaishali At Hajipur
 2. Sanjay Chaudhary S/O Nagina Chaudhari Resident Of Village Jawaj, P.S. Mahanar, District-Vaishali At Hajipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2021 Heard learned counsel for the petitioners and learned APP
for the State.

A supplementary affidavit has been filed on behalf of the
petitioner. The same be kept on record.

Learned counsel for the petitioners is directed to remove
the defects, as pointed out by the Office, within a period of eight
weeks.

The petitioners are apprehending their arrest in a case
registered under Sections 448, 380, 504, 376, 201, 302 and 34 of the
Indian Penal Code.

The prosecution allegation, in short, is that accused
persons entered into the house of the informant and raped his wife
and later murdered her.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioner has been made accused due to mistake of fact. After investigation, the police submitted charge-sheet under Section 306 I.P.C. A petition was filed by the informant in the Court below in which he has retracted from his earlier statement made in the F.I.R. Same is Annexure-2 to the supplementary affidavit.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 38 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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