

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40832 of 2020**

Arising Out of PS. Case No.-730 Year-2015 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. ANIL MISTRY @ ANIL VISWAKARMA,
 2. SUNIL VISHWAKARMA @ SUNIL MISTRY S/o Indradev Vishwakarma,
 3. MALO DEVI D/o indradev Vishwkarma @ Indradev Mistry,
 4. JHALO DEVI D/o Indradev Mistry @ Indradev Vishwakarma,
All Resident of Village - Chakdhidga, P.S. - Makhdumpur, District -
Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to
remove all the defects pointed out by the office within one
month.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 366A, 323,
376, 504, 120(B) of the Indian Penal Code.

Complainant's case in brief is that her Uncle and
Aunt came at her house and they took the victim after obtaining



consent of her father later on they came to know that accused persons have forcibly concealed the victim and accused no.9, namely Kishore Ray also committed some evil act with her. Kishore Ray committed rape upon the victim.

Learned counsel for the petitioners submits that the complainant/victim has solemnized her marriage and she has stated before the Chairman Bihar State Women Commission that she has solemnized marriage with Rahul Kumar who did not even whisper about the present case.

On the other hand, learned APP for the State vehemently opposed the prayer for bail application.

In paragraph no.10 of the bail application, it has been mentioned that complainant herself filed petition on 19.01.2015 before the Chairman Bihar State Women Commission in which she has stated that she has married with one Rahul 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 four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad,



in connection with Complaint Case No. 730/2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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