

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70482 of 2021

Arising Out of PS. Case No.-179 Year-2019 Thana- MADHEPUR District- Madhubani

1. MD. JIBRAIL S/o Md Jahir Resident of Village- Darjiya, P.S.- Madhepur, District- Madhubani.
2. Md. Hyder S/o Md Jahangir Resident of Village- Darjiya, P.S.- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Ranjan, Advocate

For the Opposite Party/s : Ms.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 376(D), 323, 504, 506 and 34 of the Indian Penal Code read with Section 4 of the POCSO Act and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant, a minor, alleges that on 06.11.2019 she was cutting grass in the field then petitioners came and forcibly committed rape upon her in turn on account of which she became unconscious and



when she regained consciousness, she raised alarm on which her mother came. It is further alleged that the petitioners threatened that if a case is lodged then they would burn them. The petitioner no.2 again came to the house of the victim to commit rape but was caught by the victim's brother and mother then three other accused arrived and rescued petitioner no.2 and left after threatening them.

Learned counsel for the petitioner submits that the petitioner have been falsely implicated in the present case, it is next submitted that the allegation appears to be inherently improbable for the reason that it absolutely does not stand to reason that had the informant been raped, her mother would have definitely known, as it appears from the allegation that her mother was around since it is alleged that when she regained consciousness and raised alarm her mother came. Learned counsel next submits that police after investigation submitted Final Form No. 16 of 2020 dated 22.02.2020 but the learned court below differing with the police report took cognizance. It is next submitted that if what has been alleged is true, then the medical report ought to have supported the case of the prosecution as the victim was medically examined only two days after the occurrence but even the medical report does not



even remotely suggest that such a heinous act of rape was committed.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners and the fact that the police after threadbare investigation submitted final form, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 court below where the case is pending/successor court in connection with Madhepur P.S. Case No. 179 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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