

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23770 of 2023

Arising Out of PS. Case No.-769 Year-2013 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

-
1. Dashai Mandal S/O Late Bideshi Mandal Resident Of Village- Bangama, Tola, Kakardobh, P.S.- Laukahi, District- Madhubani.
 2. Ranjeet Mandal @ Ranjeet Kumar Mandal S/O Ram Ratan Mandal @ Ratan Mandal Resident Of Village- Bangama, Tola, Kakardobh, P.S.- Laukahi, District- Madhubani.
- Petitioners

Versus

1. The State Of Bihar
 2. Malo Devi W/O Late Balram Mandal Resident Of Village- Bangama, Tola, Kakardobh, P.O.- Kakardobh P.S.- Laukahi, District- Madhubani.
- Opposite Party

Appearance :

For the Petitioners : Mr.Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-06-2023 Heard learned counsel for the petitioners and the

State.

Petitioners apprehend arrest in a case registered for
the offence punishable under sections 376D of the Indian Penal
Code.

As per the prosecution case, petitioners committed
rape on opposite party no.2.

Learned counsel appearing for the petitioners submits
that for the aforesaid offence, initially CR No.769 of 2013 was
instituted by opposite party no.2 for the offence punishable
under section 376(G) of the IPC on 25.8.2013. After considering



all the materials available on record including complaint with solemn affirmation and depositions of witnesses and finding no sufficient evidence prima facie, CR No.769/2013/ER No. 179 of 2-013 was rejected by the Court below vide order dated 5.12.2014 (annexure 3). However, Cr. Rev. No. 95 of 2015 challenging order dated 5.12.2014 was allowed ex-parte by the Additional Sessions Judge, Jhanjharpur vide order dated 5.12.202014 (annexure 4). Thereafter, the Judicial Magistrate took cognizance of the offence against the petitioners. Learned counsel for the petitioners submits that the present case is offshoot of Laukahi Police Station Case No. 95 of 2013 lodged by wife of petitioner no.1 against son and devar of the complainant for the offence under section 376(G) of the IPC. Petitioners claim clean antecedent.

Considering the aforesaid facts of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Jhanjharpur, Madhubani in CR No. 769 of 2013, subject to the conditions laid down under section 438(2) of the



Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

shashi/-

U		T	
---	--	---	--

