

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30751 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- GADHPURA District- Begusarai

1. NATHO DHUNIA SON OF KARI DHUNIA RESIDENT OF VILLAGE-KORAI, PS- GADHPURA, DISTT- BEGUSARAI
2. KARI DHUNIA SON OF LATE SABDUL DHUNIA RESIDENT OF VILLAGE- KORAI, PS- GADHPURA, DISTT- BEGUSARAI
3. MD. MUSTAQUIM SON OF ALIJAN MIAN RESIDENT OF VILLAGE-HIRMIYA, PS- ROSERA, DISTT- SAMASTIPUR

... .. PETITIONER/S

VERSUS

THE STATE OF BIHAR

... .. OPPOSITE PARTY/S

Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar , Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-07-2023 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 435, 285 and 188 of the Indian Penal Code.

3. As per the prosecution case, the co-accused Merajul on false promise of marriage dishonestly procured sexual intercourse with the informant and thereafter denied to marry her. It is further alleged that when the victim went to lodge



complain with her father than these petitioners abused and assaulted them.

4. It is submitted that specific accusation of commission of sexual assault is against co-accused Md Merajul. Petitioner No. 1 and 2 are the maternal uncle and petitioner No. 3 is the father of the main accused Md. Merajul. There is four days delay in lodging the F.I.R for which there is no plausible explanation, which itself creates doubt over the veracity of the prosecution case. There is no eye witness to support the prosecution case.

5. Learned counsel for the petitioners oppose the bail petition.

6 Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named 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 learned Chief Judicial Magistrate, Begusarai, in connection with Gadhpora P.S. Case No 23 of 2023, subject to the conditions laid down under section 438(2) of the Code of



Criminal Procedure.

(Prabhat Kumar Singh, J)

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