

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41770 of 2023

Arising Out of PS. Case No.-1912 Year-2019 Thana- PURNIA COMPLAINT CASE District-
Purnia

-
1. Shekh Salam @ Abdus Salam Ali Son of Late Nurul Islam @ AK Nurul Islam Village- Mohanpur, PS- English Bazar Dist- Malda
 2. Shahil Shekh @ Md. Nurul Islam Son of Late Shekh Salim Village- Milki PS- English Bazar Dist- Malda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juli Khatoon wife of Md. Naushad Village- Kishanpur PS- Sadar Mufassil Dist- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioners and the
State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 323, 376, 120(B) of the Indian Penal Code.

3. It is alleged that on the alleged dated and time of the occurrence, these petitioners entered into the room of the room of the complainant and while petitioner No. 2 was pointing pistol on her, petitioner No. 1 committed her rape.

4. It is submitted that petitioner No. 1 is own brother of the complainant and petitioner No. 2 is her maternal brother. The allegation is absurd and highly improbable that own brother



would commit such offence. Complaint has been lodged after inordinate delay of 30 days without any explanation which itself creates doubt about the prosecution case. As a matter of fact, there is dispute between the parties over partition of ancestral property and due to which, in order to to put pressure upon the petitioners, this false and concocted case has been lodged against them. It is further submitted that the dispute between the parties has been resolved and petitioners have got clean antecedent.

5. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, 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, Purnea in connection with Complaint Case No. 1912 of 2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Navya/-

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

