

Arising Out of PS. Case No.-1017 Year-2022 Thana- COMPLAINT CASE District- Supaul

- Petitioner/s

Versus

- Opposite Party/s

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP
For the Complainant : Mr. Saroj Verma, Advocate

ORAL ORDER

2. The petitioners apprehend their arrest in connection with Complaint Case No.1017C of 2022 in which a charge has been taken under Section 354, 354A, 323/34 of the Penal Code.

3. The allegation against the petitioner no.1 is to have committed rape with the assistant of petitioner no.2 as petitioner no.2 kept the complainant under fear by means of *Dabja*.



4. Learned counsel appearing on behalf of the petitioners submits that the petitioners have falsely been implicated in the present case. It is submitted that during course of investigation the investigating officer has not found the sufficient evidence for filing chargesheet against the petitioner and accordingly, the report submitted as not sent up against the said final report, where, victim-cum-complainant filed protest petition before the learned Magistrate and after inquiry learned Magistrate issued process and taken cognizance for offence under Sections 354, 354A, 323/34 and not offence under Section 376 of the IPC. It is submitted that both the petitioners are close brother, where, petitioner no.1 is younger brother of petitioner no.2. It is submitted that petitioners are man of clean antecedent.

5. Learned APP appearing on behalf of the State duly assisted by learned counsel for the complainant, opposes the prayer of bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, submissions made on behalf of both petitioners and final report submitted by the investigating officer, let both above-named petitioners be released on anticipatory bail in the event of their arrest or surrender before the trial court within a period of six weeks from today on



furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Supaul in connection with Complaint Case No.1017C of 2022 subject to the condition laid down under Section 438(2) of Cr.P.C.

(Ramesh Chand Malviya, J)

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