IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48868 of 2026

CNR No. BRHC010547172026

Arising Out of PS. Case No.-345 Year-2018 Thana- COMPLAINT CASE - ROSERA District- Samastipur

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1. Hari Narayan Khatwe, son of Sagar Khatwe, r/o Village - Nakuni, Ward no. 6, P.S. - Hasanpur, District - Samastipur.
2. Sagar Khatwe, son of Late Bhutau Khatwe, r/o Village - Nakuni, Ward no. 6, P.S. - Hasanpur, District - Samastipur.
3. Ram Chandra Khatwe, son of Sagar Khatwe, r/o Village - Nakuni, Ward no. 6, P.S. - Hasanpur, District - Samastipur.
4. Sanjay Khatwe @ Sanjay Kumar, son of Ram Chandra Khatwe, r/o Village - Nakuni, Ward no. 6, P.S. - Hasanpur, District - Samastipur.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi @ Ranju Devi, wife of Chandan Khatwe, r/o Village - Nakuni, P.S. - Hasanpur, District - Samastipur.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 27-10-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Earlier, notice was issued to the opposite party no.2, which was received by her daughter, but none appears on behalf of the opposite party no.2.

3. The petitioners apprehend arrest in connection with Complaint Case No. 345 of 2025, dated 07.06.2018, instituted under Sections 354, 323/34 of the Indian Penal Code.

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4. The complainant has alleged that on 19.05.2018, accused Hari Narayan abducted her while she was going for nature call and raped her. Subsequently, on 20.05.2018, the accused persons committed mischief by damaging household articles, assaulted her father-in-law and also committed theft of Rs. 20,000/-.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the petitioner no.1 Hari Narayan Khatwe has lodged F.I.R. against the husband of the complainant and others vide Hasanpur P.S. Case No. 96 of 2018 on 23.05.2018, in Benta O.P. in the Unit of Dr. J.C. Karn and then the complainant has lodged the present case on 02.06.2018. It is further submitted that the husband of the complainant and others assaulted on the head of the petitioner no.1 and his family members. It is further submitted that the present complaint case has been filed after 17 days of occurrence without any plausible explanation only to save their skin. It is further submitted that though the complaint was filed under Sections 307,376, 323, 384, 385, 323, 380 of the Indian Penal Code but the Court after enquiry has taken cognizance against petitioners only under Sections 354, 323/34 of the Indian Penal Code. It is further

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submitted that the petitioners have old standing enmity with the husband of the complainant. Lastly, it is submitted that the petitioners have one criminal case against them.

6. Learned APP has opposed the prayer for bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Rosera, District- Samastipur, in Complaint Case No.345 of 2018, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The application stands allowed.

(Khatim Reza, J)

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