

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12946 of 2015

Arising Out of PS.Case No. -63 Year- 2014 Thana -MAHILA P.S. District- BANKA

- =====
1. Dasu @ Daso @ Nand Kishore Marik S/o Late Ayodhya Marik
 2. Banti Kumar Marik S/o Dasu Marik @ Nand Kishore Marik
 3. Anita Devi, W/o Dasu Marik @ Nand Kishore Marik
- All Resident of Village Samukhiya More, P.S. -Katoria, District Banka.
4. Munni Devi D/o Dasu Marik @ Nand Kishore Marik, W/o Bajrangi Choudhary R/o Village -Mera, P.S. Katoria, District Banka.

.... Petitioners

Versus

1. The State of Bihar.
2. Lalita Devi, W/o Late Rajesh Marik, Resident of Village- Samukhiya More, Police Station -Katoria, District Banka.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : None
For the O.P. No. 2 : Mr. Amarendra Kumar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 02-09-2015 Heard learned counsel for the petitioners and the
learned counsel for the opposite party no. 2.

None appears on behalf of the State.

The petitioners seek pre-arrest bail in connection
with Banka (Mahila) P.S. Case No. 63 of 2014 registered under
Sections 376, 498-A and 379 read with 34 of the Indian Penal
Code.



It is contended that initially a complaint was instituted which was referred by the court under Section 156(3) Cr. P.C. for investigation pursuant to which the FIR was instituted. The order passed by the learned Magistrate whereby the complaint was referred to the police was absolutely without application of mind. He further contended that the allegations made in the complaint would not attract ingredients of Section 376 of the Indian Penal Code as against petitioner nos. 1, 3 and 4.

On the other hand, learned counsel for the opposite party no. 2 has vehemently opposed the prayer of the petitioners. He has submitted that the complainant was married to the son of petitioner no. 1 and 3 who died about two years back and after that on promise of marriage, petitioner no. 2 established physical relationship with her and, later on, he refused to marry the informant. He has submitted that the nature of allegation made would certainly attract ingredients of the offence alleged in the FIR.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of six weeks from today, the petitioners above named are directed to be released on anticipatory bail on

furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Banka in connection with Banka (Mahila) P.S. Case No. 63 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.



(Ashwani Kumar Singh, J.)

Sanjeet/-

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