

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39652 of 2014

Arising Out of PS.Case No. -166 Year- 2014 Thana -KATEYA District- GOPALGANJ

1. Kismati Devi Wife of Runna Chauhan Resident of Village - Parsauni,
P.S. - Kateya, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.6822 of 2015

Arising Out of PS.Case No. -166 Year- 2014 Thana -KATEYA District- GOPALGANJ

1. Jitendra Chauhan Son of Runna Chauhan Resident of village - Parsauni,
P.S. Kateya, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39652 of 2014)

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Nityanand(App)

(In Cr.Misc. No.6822 of 2015)

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Sanjay Kr. Sharma (App)

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 10-04-2015 The petitioners figured as accused in Kateya P.S.

Case No.166 of 2014 registered for the offences punishable
under Sections 366A and 376 of the Indian Penal Code.
Apprehending their arrest, the petitioners filed ABP No.1315
and 1784 of 2014 respectively before the Sessions Judge,
Gopalganj. The same were rejected on 30.08.2014 and

12.01.2015 respectively. Hence, these two applications for grant of anticipatory bail under Section 438 Cr. P.C.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioner in Cr. Misc. No.39652 of 2014 is the mother of the petitioner in Cr. Misc. No.6822 of 2015.

The allegation in the FIR is that the second petitioner induced the complainant with a promise of marry and raped her about six months, prior to the complaint, and thereafter took her to Himachal Pradesh. They are said to have lived as husband and wife, and after they returned the second petitioner is said to have refused to marry her. This broadly is the allegation.

Even if what is stated in the FIR is true, it is a case of voluntarily living together by the complainant and the second petitioner herein. Further, one does not expect the role of a woman in a matter of this nature.

Hence, both these applications are allowed. In the event of arrest, the petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sri A. K. Mall, J. M. 1st Class, Gopalganj/ Chief

Judicial Magistrate, Gopalganj, in connection with Kateya P.S.
Case No.166 of 2014, subject to the conditions as laid down
under Section 438 (2) Cr. P.C.

(L. Narasimha Reddy, CJ)

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