

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18782 of 2015

Arising Out of PS.Case No. -123 Year- 2014 Thana -MAHILA PS District- DARBHANGA

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1. Rajendra Thakur. Son of Jiyalal Thakur.
 2. Durgesh Thakur. Son of Rajendra Thakur. All residents of Village - Nadiyami, Tole Ashraha, P.S.- Sakatpur, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Durga Devi. Daughter of Ramprasad Thakur. Village - Kaithwar, P.S.- Sakatpur, District - Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Kamran
For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 15-09-2015 Herd learned counsel for the parties.

Having regard to the allegation for offence under Sections 120(B), 323, 376, 313/34 of the Indian Penal Code, the two petitioners, being father and brother of the main accused Mithesh Thakur, in normal circumstances were definitely entitled for being given privilege of anticipatory bail but what withhold this Court in granting anticipatory bail to them is that the prosecutrix, namely, Durga Devi is also non-else but the widow of the son of the petitioner no.1 and Bhabhi of petitioner no.2 who is said to have got into troubled water on account of her having been allegedly married to the younger brother of her deceased husband, namely, Mithesh Thakur. It is Mithesh Thakur who is now said

to be denying the marriage with the opposite party no. 2 and the family headed by the petitioner no.1 with the support of the petitioner no.2 is also not coming out to give any means of rehabilitation to the widow prosecutrix.

As a matter of fact, this Court in its earlier order dated 17.6.2015 while issuing notice to the opposite party no.2 had asked the learned counsel for the petitioners to take instruction as to in which manner the widow opposite party no.2 shall be rehabilitated for securing her future.

Learned counsel for the petitioners has submitted that he has been given no instruction on this score by the petitioners.

That being so, this Court will not be inclined to grant privilege of anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners, namely, Rajendra Thakur and Durgesh Thakur is rejected but, then, nothing said in this order shall stand in the way of the petitioners in surrendering and making a prayer for regular bail, which shall be decided on its own merit without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

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