

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38495 of 2015

Arising Out of PS.Case No. -24 Year- 2015 Thana -BIRUPUR SAHAYAK District- LAKHISARAI

- =====
1. Rekha Devi, wife of Sanjay Saw
 2. Sanjay Saw, son of late Yugal Saw
 3. Bhaso Saw @ Bhase Saw, son of late Devi Saw
 4. Shankar Saw, son of Bhaso Saw
 5. Nishu Devi, wife of Shankar Saw

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr. Smt. Sucheta Yadav (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 24-09-2015

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 342, 379, 406, 497, 498, 504, 506/34 of the Indian Penal Code.

The prosecution case is that the complainant was married with Arvind Kumar prior to the lodging of the complaint and co-accused Lalu Sao, relative of the husband of the complainant, developed intimacy with the complainant when the complainant went with co-accused Lalu Sao with her ornaments and other goods then Lalu Sao established forceful physical relationship with the complainant. It is alleged against the petitioner no.5 Nishu Devi that she for some time kept the complainant in her house and, subsequently, the complainant was released from the custody of the

accused persons.

It is submitted by learned counsel for the petitioners that as per own averments of the complainant she went in the company of Lalu Sao of her own. Hence, on this score alone no case under sections 497 and 498 is made out. The petitioners are the parents, brother, sister and father-in-law of the sister of co-accused Lalu Sao. Moreover, statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that the thrust of accusation is against co-accused Lalu Sao and the petitioners having no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Lakhisarai in connection with Birupur (Lakhisarai) P.S. Case No.24 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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