

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24437 of 2016

Arising Out of PS.Case No. -57 Year- 2016 Thana -MANIHARI District- KATIHAR

- =====
1. Ashish Kumar @ Ashish Kumar Goyenka
 2. Mahesh Kumar@Mahesh Kumar Goyenka
Both sons of Sri Anand Kumar Goyenka.
 3. Anand Kumar Goyenka, son of Late Satya Narain Goyenka
 4. Uma Devi@Uma Devi Goyenka, wife of Anand Kumar Goyenka
All resident of Jamalpur Marwari Tola, P.S.- Gogari, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. S.N.P. Singh, Sr. Advocate
Mr. Surendra Prasad Singh, Advocate
For the State : Mr. P.K.Pandey(APP)
For the Informant : Mr. Vibhuti Ranjan Sonvadra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 21-10-2016 At the outset, Mr. Surendra Prasad Singh, learned

counsel for the petitioners submits that Petitioner No.3 Anand
Kumar Goyenka has since died and, therefore, this
application, as against him, has become infructuous. It is, thus,
dismissed as infructuous.

Heard learned counsel for the petitioners and the
learned counsel for the State. Learned counsel for the
informant is also present.

Petitioner Nos.1, 2 and 4 are apprehending their
arrest in connection with Manihari P.S. Case No.57 of 2016
for allegedly having committed the offences under Sections

365 and 380/34 of the Indian Penal Code.

Diary in the present case was called for, which has since been received.

Learned counsel for the petitioners submits that though the petitioners are named in the F.I.R., a totally improbable story has been created in which the petitioners have been named. Even the statement made by the victim lady under Section 164 Cr.P.C. appears to be rather improbable as no woman will be strolling on the road in the wee hour of the morning adorning all her jewellery.

Learned counsel for the informant opposes the application and submits that the petitioners are rather named not only in the F.I.R. but also in the statement made by the victim lady on her recovery under Section 164 Cr.P.C. There is also abundant material in the case diary, implicating the petitioners.

Learned counsel appearing on behalf of the State submits that the victim lady was recovered from the Katihar Railway Station after she escaped from the clutches of the present petitioners and has clearly named the petitioners in the occurrence. However, from the sequence of events, it does not appear as to what hand the lady Uma Devi @ Uma Devi

Goyenka (Petitioner No.4) had at the occurrence.

As such, let petitioner No.4, Uma Devi @ Uma Devi Goyenka, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar, in connection with Manihari P.S. Case No.57 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner No.1 and 2, namely, Ashish Kumar @ Ashish Kumar Goyenka and Mahesh Kumar@Mahesh Kumar Goyenka, respectively, are concerned, their prayer for anticipatory bail is rejected. However, if they surrender in the court below in connection with the present case and pray for regular bail within a period of six weeks, their case may be considered on its own merits without being prejudiced by the present order.

(Anjana Mishra, J)

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