

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2647 of 2016

Arising Out of PS.Case No. -23 Year- 2015 Thana -SAKRI District- MADHUBANI

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1. Vivek Jha @ Vivek Kumar Jha @ Vivek Kumar
 2. Vikash Jha @ Vikas Kumar Jha Both sons of Bhawan Jee Jha
 3. Bhawan Jee Jha S/o Shri Braj Kishore Jha All residents of Village @ P.O.- Meghaul, P.S.- Sakari, District- Madhubani.
 4. Raman Kumar Mishra S/o Vinay Kant Mishra, Resident of Village, P.O. & P.S.- Andhara Tharhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar Jha

For the Opposite Party/s : Mr. Nirmal Kr.Sinha(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-03-2016 Heard learned counsel for the petitioners and learned counsel for the informant and learned A.P.P. for the state.

Petitioners apprehend arrest in connection with Sakari P.S. Case No. 23 of 2015 for offences alleged under Sections 323, 363, 366, 376 and 504 of the Indian Penal Code.

The prosecution case is that the petitioner no.1 Vivek Jha sworn an affidavit and on the basis of that affidavit, he got married with the informant on 24.09.2014 as per the Hindu Rites and Rituals and brought her to his home and kept her for 4/5 days and had made physical relation with her. Later on petitioner no. 3 Bhawan Jee Jha started abusing and beating her (the informant) and then petitioner no.1 took her to her parent's home. However, petitioner no.1 kept on having physical relation with the informant

even in her Maiké and petitioner Bhawan Jee Jha continued to torture her even at her Maiké. On 30.09.1994, petitioner no.1 took the informant to the house of petitioner no.4 at village-Andhara Tharhi on 16.10.2014, he brought her back to her parents' house. On 02.12.2014, he took her to Delhi. On 14.01.2015, he again brought her back and left her at Sakari Railway Station, from where she went to her Maiké.

It has been submitted by learned counsel for the petitioners that they are innocent and have committed no offence and it has further been submitted that the victim is major and she went with the petitioner no.1 on her own conscious decision hence no offence is made out against these petitioners.

Learned A.P.P. for the State submits that from para 6 and 68 of the case diary, it appears that victim was doing house hold work in the house of the petitioners and was lured by the petitioner no.1 on the pretext of marriage, who committed physical relationship with her and the family members of the petitioner no.1 i.e. petitioner nos. 2 to 4 tortured her.

Learned counsel for the State as well as the counsel for the informant submits that specific allegation has been made against the petitioner no.1, who has enticed the victim-girl for marriage and committed wrongful act and has entered into the physical relationship with her long time.

Let the petitioner nos. 2, 3 and 4 namely Vikash Jha, Bhawan Jee Jha, and Raman Kumar Mishra in the event of their arrest/surrender before the court below be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani, in connection with Sakari, P.S. Case No. 23 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, the anticipatory bail on behalf of petitioner no.1 Vivek Jha is rejected.

(Nilu Agrawal, J)

siddharth/-

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