

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5537 of 2016

Arising out of PS.Case No. -52 Year- 2015 Thana -MAHILA P.S. District- SARAN

- 1. Kalawati Devi.
- 2. Anil Kumar Thakur.
- 3. Bhushan Thakur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Yashraj Bardhan, Advocate.
For the Opposite Party : Mr. B.Ram (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-03-2016 Heard learned counsels for the petitioners, informant and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Saran Mahila P.S. Case No. 52 of 2015 for the offences instituted under Sections 120(B), 376, 386 and 452/34 of the IPC.

The prosecution story, in brief, is that the petitioner no. 1 Kalawati Devi called the informant to her house to prepare meal for her son-in-law petitioner no. 3 where the informant was offered sweets by petitioner no. 1. After eating sweets, she slept and woke up in the evening and returned back to her house. After some days, petitioner no. 2 Anil Kumar Thakur went to the house of the informant and showed her obscene video on his mobile and



stated to establish bodily relation with him otherwise he would expose the said obscene video on social media. On the basis of above threatening, petitioner no. 2 Anil Kumar Thakur established bodily relation with the informant several times. Petitioner no. 3 Bhushan Thakur also established bodily relation with the informant. The accused persons had also taken Rs. 10,000/- from the informant. It is also alleged that on 05.10.2015 when the petitioner no. 2 Anil Kumar Thakur went to the informant and tried to commit rape on her, her daughter saw and raised noise on which neighbours assembled, caught him and also assaulted him but anyhow he managed to escape from there.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. Petitioner no. 1 is the lady. There is no specific allegation against her in respect to commission of rape. Both are neighbours. She has falsely been implicated in the present case due to enmity. The alleged date of occurrence is 05.10.2015 but complaint in respect to occurrence was filed on 30.10.2015.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioners are named in the F.I.R. and there is specific allegation against petitioner nos. 2 and 3.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner nos. 2 and 3, namely, Anil Kumar Thakur and Bhushan Thakur. The same is rejected in connection with Saran Mahila P.S. Case No. 52/2015, pending in the court of the learned C.J.M. Saran. Anyhow, if the petitioner nos. 2 and 3 surrender in the court below the same shall be considered on its own merit without being prejudiced by this order.

The petitioner no. 1 Kalawati Devi is directed to be released on bail in the event of her arrest or surrender before the learned court below within a period of six weeks from today in connection with Saran Mahila P.S. Case No. 52/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)