

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 54915 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -MAHILA THANA District- BEGUSARAI

1. Binod Roy,

2. Niraj Roy

Both son of Baijnath Roy, Resident of Village- Bhardwaj Nagar Ratanpur
(Back of Dharamshala), P.S.- Town, District- Begusarai

.... Petitioners

Versus

1. The State of Bihar

2. Ranjana Kumari wife of Bhramar Kumar, R/o Village – Sadaandpur,
P.S. – Balia, District – Begusarai at present R/o Chankya Nagar,
Mohmadpur Ward No. 38, P.S. – Town, District – Begusarai.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 22-12-2016 Heard Sri Karandeep Kumar, learned counsel for
petitioners and Sri Ram Anurag Singh, learned Addl. Public
Prosecutor.

Two petitioners, apprehending their arrest in Mahila
P.S. Case No. 31 of 2016 registered for offence under Sections
498(A), 494 and 420 of the Indian Penal Code, have prayed for
grant of anticipatory bail.

By way of referring to F.I.R., it was submitted by
learned counsel for petitioners that petitioners are not having
direct relation with the husband of the informant, rather it has been
alleged that petitioners are uncle of a lady, with whom the



husband of the informant had solemnized marriage. In this view of the matter, it has been argued that petitioners may be extended the privilege of anticipatory bail.

However, in the F.I.R., there is specific accusation by the informant that prior to solemnizing marriage by the husband of the informant with a lady namely Shikha Bharti, the informant had approached the petitioners and others not to do the same, but even then, the petitioners, who are uncle of the lady i.e. Shikha Bharti, participated in solemnizing the marriage of Shikha Bharti with the husband of the informant. The petitioners have been arrayed as accused in the F.I.R. with other accused persons.

In view of the fact that petitioners are accused in the F.I.R. with specific accusation, the Court is of the opinion that they may not be extended the privilege of anticipatory bail. However, it goes without saying that if within a period of six weeks from today the petitioners appear before the court below and make a prayer for regular bail, the learned court below, without being prejudiced with this order, may examine the same and pass appropriate order in accordance with law, preferably, on the same date.

It is made clear that this Court has examined the matter only for consideration of power under Section 438 of the



Cr.P.C. Accordingly, the learned court below would be at liberty
to pass appropriate order.

The petition stands dismissed.

(Rakesh Kumar, J.)

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