

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40768 of 2017

Arising Out of PS.Case No. -94 Year- 2017 Thana -JAKKANPUR District- PATNA

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1. Ram Swaroop Prasad @ Ram Swaroop Ram, Son of Late Ganesh Ram,
2. Savitri Devi wife of Ram Swaroop Prasad, wife of Ram Swaroop Prasad
3. Nisha Kumari, D/o- Ram Swaroop Prasad, D/o- Ram Swaroop Prasad
All resident of Quarter No. 59, R-Block, P.S. Sachiwalaya, District-
Patna.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
: Mr. Vijay Anand, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, Adv.
For the State : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 31-08-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Jakkanpur P.S. Case No. 94 of 2017, disclosing offences
under Sections 384, 376 and 363 of the Indian Penal Code.

Learned Senior counsel for the petitioners has
submitted that the petitioners, who are of clean antecedent, are
innocent and have not committed any offence. There is general
and omnibus allegation against this petitioners and no specific
overt act is attributed to them. In fact, there was love affair
between the informant and Rahul Raj, who is said to be son of



petitioner Nos. 1 and 2 and they performed marriage and after marriage they were living separately from the petitioners. The petitioners never demanded any dowry nor assaulted the informant. So far allegation of rape is concerned, the same lies on the co-accused Rahul Raj but in support the same, no medical report is available on record. No case under Section 376 and 384 of the Indian Penal Code is made out against these petitioners. Hence, the petitioners deserve the privilege of anticipatory bail.

Learned counsel for the informant has vehemently opposed the prayer for bail and submitted that the petitioners have played active role in the alleged offence and the witnesses have also supported the prosecution version.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of this petitioners is, rejected.

(Arvind Srivastava, J)

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