

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51635 of 2017

Arising Out of PS.Case No. -66 Year- 2017 Thana -PATLIPUTRA District- PATNA

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1. Paras Thakur @ Paras Kumar, S/o Yogeshwar Thakur, R/o Village- Madrapur, P.S.- Bidupur, District- Vaishali.
 2. Shashi Bhushan Thakur @ Bhushan Thakur @ Shashi Bhushan Sharma S/o Triveni Sharma, R/o Village- Goraul Bahadurpur, P.S.- Goraul, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr. Advocate
Mr. Jitendra Narain Sinha, Advocate
Mrs. Anamika Sinha, Advocate
Mrs. Rashmi Bharti, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 09-11-2017

Heard learned counsel for the petitioners

and the learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 366A and 363/34 of the Indian Penal Code.

The prosecution case is based on the written report dated 24.02.2017 of Lipika Kumari submitted to Patliputra Police Station on 26.02.2017 at 11.00 A.M. alleging therein that the informant was residing at her parental aunt's house at village Maniyarpur and for appearing at Intermediate



Examination the informant came to her sister Malti Devi's house on 23.02.2017 situated near Om Chandra Marble shop, Rajiv Nagar Nala and about 6.00 P.M. she got ready to proceed to Mithapur Bus Stand. It is further alleged, in the meantime, co-accused Santosh Kumar Thakur, who is the cousin brother of the brother-in-law of the informant namely, Arun Kumar Thakur, came on his Pulsar motorcycle and asked Pawan Kumar, the brother of the informant that he will drop the informant on Mithapur Bus Stand but the informant was brought to Goraul, Hajipur at the house of Santosh Kumar Thakur's younger sister Sanju Devi. It is further alleged that other 4-5 accomplice of Santosh Kumar Thakur were also present there, wherein the informant identified his younger brother Paras Thakur (petitioner no. 1) and brother-in-law Bhushan Thakur (petitioner no. 2), who pressurized the informant for performing marriage, but on alarm being raised the neighbouring people assembled whom the informant revealed the entire facts. The assembled people called Goraul police and after verification the police dropped the informant at the house of her brother-in-law at Patna. It is further alleged that the informant and her brother-in-law were manhandled and threatened of dire consequences at the hand of accused persons.



It is submitted by learned senior counsel for the petitioners that petitioners are the brother and brother-in-law of Santosh Kumar Thakur. It is further submitted that the prosecution case as initiated through detail written report which does not inspire confidence as for the occurrence of 23.02.2017 the written report was submitted on 26.02.2017. Moreover, it appears surprising that Goraul police dropped the informant at the residence of her brother-in-law without informing her brother-in-law. Above all the investigation does not suggest as such. In the statement recorded under Section 164 Cr.P.C. the informant has changed her version and said that Santosh Kumar Thakur brought her to Hajipur on the pretext of dropping her to Mithapur Bus Stand and thereafter he brought to his sister's house where he put vermilion on her forehead. In the statement recorded under Section 164 of Cr.P.C., the informant got her age recorded as 17 years. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Learned counsel for the State submitted that in the FIR petitioners are also named. However, he submits that the thrust of accusation is against co-accused Santosh Kumar Thakur.

Considering the unreasonableness in the



written report and inconsistency of the prosecution case between the FIR and 164 Cr.P.C. statement of the informant coupled with the statement that the petitioners have no criminal antecedent and also the fact that the thrust of accusation is against co-accused Santosh Kumar Thakur, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge-XII –cum- Additional Chief Judicial Magistrate, Patna in connection with Patliputra P.S. Case No. 66 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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