

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3110 of 2017

Arising Out of PS.Case No. -22 Year- 2017 Thana -JURAWNUPUR District- VAISHALI(HAJIPUR)

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1. Ugranath Mishra, Son of late Rupa Mishra , R/o Village- Jurawanpur Karai , P.S.- Jurawanpur, District- vaishali.
 2. Jannki Devi W/o Ugranath Mishra , R/o Village- Jurawanpur Karai, P.S.- Jurawanpur, District- Vaishali.
 3. Kanhaiya sharma S/o Parsuram Sharma, R/o Village- Madhodih, P.S.- Ujiyarpur, District- Samastipur.
 4. Ranjita Mishra D/o Ugranath Mishra, R/o Madhod in, P.S.- Ujiyarpur, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shruti Sinha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 22-12-2017 Mr. Ebrahim Kabir, learned advocate for the appellants seeks permission to withdraw the petition with respect to appellant no. 1 viz. Ugranath Mishra in order to enable him to surrender before the court below within a period of four weeks from today and seek regular bail.

The request is accepted.

The case of appellant no. 1 is dismissed as withdrawn with the liberty aforesaid.

The appellants no. 2, 3 and 4 have challenged the order dated 19.08.2017 passed by the learned Additional Sessions Judge Ist-cum-Special Judge, Vaishali at Hajipur in connection



with Jurawanpur P.S. Case No. 22 of 2017 dated 06.05.2017 instituted for the offences punishable under Sections 366 (A), 376, 313, 504 and 506 of the Indian Penal Code and Sections 3(i)(w)(i), 3(i)(w)(2)/3(2)(V) of the SC/ST Act, whereby their prayer for being released on bail in anticipation of their arrest has been rejected.

The prosecutrix has alleged that after carrying on an affair with Ankit Mishra @ Aniket Mishra of the same village, she became pregnant and was pressurized by the family members to go for abortion. She has also alleged that because of the assurance of the marriage, she had voluntarily submitted to the desires of aforesaid Ankit Mishra @ Aniket Mishra. Later, when Ankit Mishra @ Aniket Mishra refused to marry her, she protested. Thereafter, she came back home and has lodged this case. In her statement recorded under Section 164 Cr.P.C., she has levelled allegations against co-accused Ankit Mishra @ Aniket Mishra and his father, who had approached this Court as appellant no. 1 and whose petition has been withdrawn.

So far as the appellants no. 2, 3 and 4 are concerned, they stand in special relation to aforesaid Ankit Mishra @ Aniket Mishra but have got no concern with the affairs of Ankit Mishra @ Aniket Mishra. From the averments made in the FIR and the



statement under Section 164 Cr.P.C. it is very clear that the allegations do not attract the mischief of any one of the provisions of the SC/ST Act, so far as appellants no. 2, 3 and 4 are concerned. It also very explicitly appears that merely because the aforesaid appellants are related to Ankit Mishra @ Aniket Mishra, that they have been made accused in this case.

For the aforesaid reasons the order dated 19.08.2017, so far as it relates to the appellants no. 2, 3 and 4, is set aside.

Let the appellants no. 2, 3 and 4, in the event of their surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum-Special Judge, Vaishali at Hajipur in connection with Jurawanpur P.S. Case No. 22 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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