

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27227 of 2018

Arising Out of PS.Case No. -66 Year- 2017 Thana -MAHILA P.S. District- MADHUBANI

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Deva Nand Singh, Son of Baidyanath Prasad Singh, Resident of Village-
Afzalpur Puraina, P.S.- Fatehpur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Prashant

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 04-05-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 328,
376, 313, 504/34 of the Indian Penal Code and Section 67 of I.T.
Act.

The prosecution case as per the fardbeyan of
Arhul Kumari recorded on 18.08.2017 at 4.00 P.M. by S.I.,
Madhubani Mahila P.S. is to the effect that the informant was
working in Maa Bhawani Jivika Gram Sangathan, where the
petitioner was also employed. In the course of professional
work, both became well acquainted with each other and on one
accusation when the informant went to the house of the
petitioner, the petitioner was not available but his younger



brother Premanand was present. Premanand proposed to her for marriage and thereafter he began talking to the informant on mobile. The petitioner called the informant to his house after a few days, along with same files, but as soon as she entered the room, she was rendered unconscious by Premanand and when she regained sense she came to know that she has been ravished and the Premanand consoled her with promise to marry her and showed indecent photographs of the informant on his mobile. When she stepped out of the house, she found the petitioner standing and then both threatened to make her photograph public, if she conveyed about it to anybody and thereafter, Premanand continued to call the informant at his house and ravish her and when the informant became pregnant, both the brothers administered her some medicines, due to which her pregnancy got terminated.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against the brother of the petitioner and even assuming the accusation no offence under Section 376 IPC is made out against the petitioner. For the occurrence of 26.05.2016 the written report was submitted on 18.08.2017. Moreover, the brother of the petitioner has been granted bail vide order dated 09.12.2018 passed in Cr. Misc. No.



2559 of 2018, statement to that effect has been made in paragraph 11 of the petition. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the accusation suggests that the role of the petitioner was of a conspirator.

Considering the accusation which suggests that the informant prima facie appears to be a consenting party to the relationship with the brother of the petitioner and the thrust of accusation is against the brother of the petitioner, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Madhubani in connection with Madhubani Mahila 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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