

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.7884 of 2019

Arising Out of PS. Case No.-461 Year-2018 Thana- NATHNAGAR District- Bhagalpur

1. Kundan Thakur , aged about 34 years, Gender – Male
2. Mithun Thakur, aged about 30 years, Gender – Male
Both are sons of Prakash Thakur
3. Sobha Thakur @ Shobha Devi, aged above 50 years, Gender - Female
W/o Prakash Thakur
All are resident of Badsahganj , P.S. - Amarpur, District – Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Mukesh Kumar Jha, Advocate
Mr.Tarun Prasad Mandal, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 05-04-2019 Heard Sri Mukesh Kumar Jha, learned counsel

assisted by Sri Tarun Prasad Mandal, learned counsel for the

petitioners and Sri Shailendra Kumar Singh, learned Additional

Public Prosecutor.

Three petitioners, apprehending their arrest in connection with Nathnagar (Madhusudanpur) P.S. Case No. 461 of 2018 registered for offence under Section 376 /34 of the Indian Penal Code 1860 and Section 4 of the Protection Of Children From Sexual Offences Act 2012, have prayed for grant of bail in the event of their arrest or surrender.

So far petitioner no. 1- Kundan Thakur is concerned there is specific accusation in the F.I.R. itself that in the last one year on assurance of marrying with the victim he had developed physical relation with her. Only allegation against other two accused persons namely, Mithun Thakur , brother of petitioner no. 1 and Sobha Thakur @ Shobha Devi [petitioner no. 3] is that they were saying that marriage of Kundan Thakur could be



solemnized somewhere else.

Fact remains that all the accusation has been made against petitioner no. 1- Kundan Thakur. Accordingly, there is no reason to entertain the prayer for anticipatory bail in respect of petitioner no. 1 -Kundan Thakur and as such his prayer for grant of anticipatory bail stands dismissed.

So far petitioner no. 2 and 3 namely Mithun Thakur and Sobha Thakur @ Shobha Devi respectively are concerned in view of nature of accusation and weak material against them in the event of their arrest or surrender within a period of six weeks from today, they are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhagalpur / concerned court in connection with Nathnagar (Madhusudanpur) P.S. Case No. 461 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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