

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18588 of 2019**

Arising Out of PS. Case No.-255 Year-2017 Thana- MANJHAGARH District- Gopalganj

ABREAY ALAM @ RABEY ALAM, Son of Anwar Mian Resident of
Village - Indarwa, P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey
For the Opposite Party/s : Mr.Akhileshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-04-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Majhagarh P.S. Case No. 255 of 2017 registered for the offences punishable under Sections 376, 406, 420 and 366A of the Indian Penal Code.

As per the prosecution case, the daughter of the informant namely Samima Khatoon aged about 15 years was induced and kidnapped by accused no.1, who happens to be the brother of the petitioner, on 10.06.2017 on the pretext of marriage. Thereafter, when this information was given to the police station, the police brought accused no.2 (petitioner) and accused no.3 (his mother) to the police station where they allegedly said that the marriage of the daughter of the informant



would be solemnized with accused no.1, thereafter they were facilitated talk on telephone with accused no.1 and the accused no.1 assured to marry the daughter of the informant. Thereafter the daughter of the informant started living with the accused no.1. The stand of the petitioner is that both of them had married also but later on the allegation is that when the daughter of the informant got pregnant, the accused no.1 left her and allegedly refused to marry.

Learned counsel submits that in the entire allegations made by the informant there is no allegation of commission of rape against this petitioner, therefore, by no stretch of imagination the case could have been registered against this petitioner under Section 376 of the Indian Penal Code. It is further submitted that the accused nos.2 and 3 i.e. the present petitioner and his mother were made accused in this case as after lifting them from their house when they were brought to the police station they cooperated with the police in resolving the dispute between the accused no.1 and the daughter of the informant.

Learned counsel submits that so far as this petitioner is concerned, he is brother of the accused no.1 and is living separately in mess and business. It is submitted that the



petitioner is living outside in connection with his work as labourer. It is further pointed out that the similarly situated accused no.3 i.e. mother of this petitioner has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr.Misc.No.59899 of 2018 vide order dated 08.10.2018

Learned APP for the State is present and has opposed the prayer for anticipatory bail, however, in course of submission nothing could be pointed out to show that this petitioner had played any active role in the matter of relationship between his brother and daughter of the informant.

Considering the facts and circumstances of the case wherein the submission is that the petitioner has not played any active role in the matter of relationship between his brother and daughter of the informant as also that the co-accused similarly situated has been granted anticipatory bail by a learned coordinate Bench of this Court, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj in connection with Majhagarh P.S. Case No.



255 of 2017, subject to the condition prescribed under Section
438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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