

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56047 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- MAHILA P.S. District- Patna

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1. AJAY SINGH @ AJAY KUMAR SINGH Son of Late Sant Singh Resident of Village- Arap, P.O.- Bikram, P.S.- Bikram, District- Patna.
 2. Nirbhay Kumar Singh @ Nirbhay Kumar Son of Ajay Singh Resident of Village- Arap, P.O.- Bikram, P.S.- Bikram, District- Patna.
 3. Niraj Kumar Son of Ajay Singh Resident of Village- Arap, P.O.- Bikram, P.S.- Bikram, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-09-2019 This application, for grant of anticipatory bail, arises out of Patna Mahila P.S. Case No. 41 of 2019, disclosing offences under Sections 376, 420 and 34 of the Indian Penal Code..

Petitioner no. 1 is father and petitioner nos. 2 and 3 are the brothers of co-accused Nitesh Kumar against whom, there is allegation that he established physical relationship with her, promising marriage but he and his family members refused for marriage.

Submission of learned counsel for the petitioners is that they have falsely been made accused in this case and main allegation is against Nitesh Kumar and petitioners happens to be father and brothers of the said Nitesh Kumar.



Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant opposed the prayer for bail on the ground that petitioner nos. 2 and 3 are threatening the informant to withdraw the case.

Having heard both sides, considering the facts and circumstances of the case and also the fact that the petitioners are father and brothers of the co-accused Nitesh Kumar against whom there is allegation of establishing physical relationship with the informant on the pretext of marriage, this application is allowed. As such, let the petitioner, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1st Class, Patna in connection with Patna Mahila P.S. Case No. 41 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is further subject to the condition that the petitioners will not in any way threaten the informant or her family members and will also not tamper with the evidence.

(Vinod Kumar Sinha, J)

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