

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53883 of 2019

Arising Out of PS. Case No.-72 Year-2019 Thana- MAHILA P.S. District- Nalanda

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1. ARUN RAUT @ ARUN PRASAD Son of Late Bhago Raut Resident of Village-Mora, Police Station-Bena, District-Nalanda.
 2. Dharmshila Devi Wife of Arun Raut Resident of Village-Mora, Police Station-Bena, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aarti Kumari, daughter of Devanam Prasad, resident of village Ram Dhamoli, P.S. Bena, Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Counsel Mr.Vikram Singh
For the Opposite Party/s :		Mr.Pradeep Narain Kumar
For the Informant		Mr. R.Kumar Mr. Vijay Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 27-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 376, 323 and 506/34 of the Indian Penal Code, registered in connection with Mahila P.S. Case No. 72 of 2019.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the parents of co-accused Anurag Kumar with whom there was negotiation for marriage with the informant. It is submitted that physical



relationship established between the said co-accused Anurag Kumar and the informant was consensual in nature as is evident from the FIR itself. In any event, the accusation under Section 376 IPC is not made out against the petitioners, who claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant has been heard.

5. It is submitted on behalf of the informant that an amount of Rs.4,11,000/- had already been taken by the petitioners' side, who subsequently refused for solemnization of the marriage.

6. Be that as it may, in the event of petitioners' arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Mahila P.S.Case No. 72 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioners.



(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner no.1 shall remain physically present in court on each and every date during trial and petitioner no. 2 shall be well represented in court on each and every date during trial, except as and when directed by the learned court below to be physically present and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned court concerned.

(Vikash Jain, J)

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