

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17216 of 2020

Arising Out of PS. Case No.-192 Year-2019 Thana- JALALPUR District- Saran

1. SURYA PRAKASH DAS Son of Ved Prakash Das Resident of Village - Harihar Pur, P.S. - Baniya Pur, District - Saran (Chapra).
2. Satya Prakash Das Son of Ved Prakash Das Resident of Village - Harihar Pur, P.S. - Baniya Pur, District - Saran (Chapra).
3. Alka Kumari Wife of Satya Prakash Das Resident of Village - Harihar Pur, P.S. - Baniya Pur, District - Saran (Chapra).
4. Sweta Kumari Arya Wife of Ravi Chandra Prakash Das Resident of Village - Harihar Pur, P.S. - Baniya Pur, District - Saran (Chapra).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Jalapur P.S. Case No. 192 of 2019 registered for the offence punishable under



Sections 363, 366(A) and 34 of the Indian Penal Code.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioners no. 1 and 2.

Accordingly, the present petition stands dismissed as withdrawn as far as the petitioners no. 1 and 2 are concerned, with liberty to them to surrender before the learned court below and seek regular bail.

The allegation is regarding one Ravi Chandra Prakash Das and other accused persons having enticed the victim girl, intoxicated her and the said Ravi Chandra Prakash Das is stated to have established sexual / physical relationship with the victim girl resulting in her becoming pregnant, whereafter, the said Ravi Chandra Prakash Das had refused to marry her and instead, the accused persons had planned to get her married to another boy, however subsequently, the victim girl is stated to have managed to flee away from the clutches of the accused persons and had gone to the police



station.

The learned counsel for the petitioners has submitted that the petitioners no. 3 and 4 are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. It is further submitted that a bare perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. before the learned Magistrate would show that no direct allegation has been levelled as against them. It is further submitted that the petitioners no. 3 and 4 have been merely named by the victim girl in her statement made under Section 164 Cr.P.C., however, no specific role has been attributed to the petitioners no. 3 and 4, hence, it is submitted that they are liable to be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners no. 3 and 4



and taking into account the statement of the victim girl made under Section 164 Cr.P.C.. before the learned Magistrate, I deem it fit and proper to admit the petitioners no. 3 and 4 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 3 and 4 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 CJM Saran, Chapra in connection with Jalalpur P.S.Case No. 192 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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