

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22191 of 2020

Arising Out of PS. Case No.-317 Year-2019 Thana- CHAUSA District- Madhepura

1. BIRENDA MALAKAR @ BIRENDRA MALAKAR S/o Late Kishun Malakar Resident of Village- Dhuriya, P.S.- Chausa, District- Madhepura.
 2. Sonu Kumar S/o Birenda Malakar @ Birendra Malakar Resident of Village- Dhuriya, P.S.- Chausa, District- Madhepura.
 3. Manish Malakar S/o Birenda Malakar @ Birendra Malakar Resident of Village- Dhuriya, P.S.- Chausa, District- Madhepura.
 4. Ansuia Devi @ Asha Devi W/o Birenda Malakar @ Birendra Malakar Resident of Village- Dhuriya, P.S.- Chausa, District- Madhepura.
- Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Bhola Prasad, Advocate.
For the State	:	Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 21-10-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners apprehend their arrest in connection with Chausa P.S. case No.317 of 2019 registered under Sections 341, 342, 420/384, 504 and 506/34 of the Indian Penal Code.

The accusation is that the informant Kshitiz Kumar Arya, who is the resident of Basai Palghar, Maharashtra, used to do the business at Mugalsarai and due to that reason, he always used to visit at Mugalsarai from Mumbai. The maternal aunt of the informant Ansuia Devi (petitioner no.4), who is the resident of village-Dhuriya Kalasan Bazar, P.S. Chausa, District-Madhepura, always used to talk to him and to invite him to visit her house. In that course, the



informant came in connection with his business at Mugalsarai and on 06.11.2019, he boarded on the train at Mugalsarai Station for going to Naugachhia Station and after getting down from the train there, he talked to his maternal aunt (petitioner no.4) and reached at her house. After providing the breakfast, the informant was served with milk there and after taking the milk, the informant became unconscious and was taken outside of the house to walk. Thereafter, 10-15 unknown persons variously armed with weapons tried to catch hold the informant. While the informant tried to flee away but they caught hold him and took him in a temple of the village, where his marriage was performed with Anjali alias Bandna, the daughter of the petitioner nos.1 and 4. Anyhow, the informant moved from there and lodged the present case.

Learned counsel for the petitioners submits that, in fact, the informant is the relative of the petitioners and due to telephonic talk, he tried to develop physical relation with Anjali alias Bandna, which was objected and on assurance given by the informant to perform the marriage with her, the marriage of the informant was performed with her. In this regard, Anjali Kumari alias Bandna Kumari has also lodged Chausa P.S. Case No.318 of 2019 under Sections 376, 511 and 379 of the Indian Penal Code and Section 8 of the POCSO Act against the informant. The petitioner no.1 is father, petitioner no.2 and petitioner no.3 are brothers and the petitioner no.4 is the mother of Anjali Kumar alias Bandna Kumari and they have falsely been



implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioner nos.2 and 3, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura, in connection with Chausa P.S. Case No.317 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the petitioner nos.1 and 4, above named, are concerned, considering the nature of allegation against them, I am not inclined to grant anticipatory bail to the petitioner nos.1 and 4, above named. Accordingly, the prayer of the petitioner nos.1 and 4, above named, for grant of anticipatory bail stands rejected. However, the petitioner nos.1 and 4, above named, are directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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