

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76399 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- SONBERSA District- Sitamarhi

Jitendra Kumar Son of Ram Ekbal Hathi Resident of Village - Fatehpur Tole
Lakshmipur, P.S.- Sonbarsa, District - Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar
2. Anita Kumari, W/o Jitendra Kumar, D/o Ramchandra Mahto, R/o Vill-
Fathepur tole, Lakshmipur, P.S. Sonabarsa, District-Sitamarhi at present
residing at Village-Jigarwa, District-Malangwa (Salori Nepal).

... .. Opposite Parties

with

CRIMINAL MISCELLANEOUS No. 75825 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- SONBERSA District- Sitamarhi

1. Ram Ekwat Hathi Son of Late Ram Bali Hathi Resident of Village -
Fatehpur Tole Lakshmipur, P.S.- Sonbarsa, District - Sitamarhi.
2. Sunaina Devi Wife of Ram Ekwat Hathi Resident of Village - Fatehpur Tole
Lakshmipur, P.S.- Sonbarsa, District - Sitamarhi.
3. Arun Kumar Son of Ram Ekwat Hathi Resident of Village - Fatehpur Tole
Lakshmipur, P.S.- Sonbarsa, District - Sitamarhi.
4. Amit Kumar Son of Ram Ekwat Hathi Resident of Village - Fatehpur Tole
Lakshmipur, P.S.- Sonbarsa, District - Sitamarhi.
5. Mina Devi Wife of Arun Kumar Resident of Village - Fatehpur Tole
Lakshmipur, P.S.- Sonbarsa, District - Sitamarhi.

... .. Petitioners

Versus

1. The State of Bihar.
2. Anita Kumari, W/o Jitendra Kumar, D/o Ramchandra Mahto, P.S.
Sitamarhi, District-Sitamarhi.

... .. Opposite Parties

Appearance :

(In CRIMINAL MISCELLANEOUS Nos. 76399 of 2019 & 75825 of 2019)

For the Petitioners	:	Mr. N.K. Agarwal, Sr. Adv.
For the State	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Y.C. Verma, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 22-06-2020

Heard Mr. N.K. Agarwal, learned senior counsel for



the petitioners, Mr. Ram Sumiran Rai, learned counsel for the State and Mr. Y.C. Verma, learned senior counsel for the informant via video conferencing.

The petitioners have filed the present application for grant of pre-arrest bail in connection with Sonbarsa P.S. Case No. 236 of 2018 registered for the offence punishable under Sections 341, 323, 498A, 376, 511, 313 and 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

It is submitted by Mr. Agarwal, learned senior counsel appearing for the petitioners in these two cases that the entire prosecution case is false, concocted and fabricated. No occurrence as alleged by the prosecution had ever taken place but, only to teach a lesson to all the family members, the informant has lodged the instant case. He contended that the allegation of an attempt to commit rape against the brother-in-law (*Dewar*) Amit Kumar by the informant has been made with oblique motive. It is a case in which not only the husband, but the father-in-law, mother-in-law, brother-in-law, pregnant nanad and gotni, all have been made accused with omnibus and general allegations. He contended that similarly circumstanced two other accused, namely, Asha Kumari and Satish Gein @ Satish Kumar Jain have already been granted anticipatory bail



by a reasoned order by a Bench presided over by Hon'ble The Chief Justice.

Mr. Y.C. Verma, learned senior counsel for the informant has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. However, he does not dispute the fact that the two other co-accused persons have already been granted pre-arrest bail by this Court.

Regard being had to the nature of allegation, the submissions advanced on behalf of the parties and the reasons assigned in the order dated 27.11.2019 passed in Cr. Misc. No. 77230 of 2019 whereby two other co-accused persons have been granted pre-arrest bail, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No. 236 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Ashwani Kumar Singh, J)

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