

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4409 of 2020

Arising Out of PS. Case No.-36 Year-2019 Thana- MAHILA P.S. District- Bhagalpur

1. AJAY KUMAR PANDEY @ AJAY PANDEY Son of Kapil Muni Pandey Resident of Village - Motishari Bhawan, Pokhana Tilha, P.S.- Deoghar, Distt.- Deoghar, Jharkhand.
2. Ananad Kumar @ Ananad Kumar Pandey @ Ananad pandey Son of Kapil Muni Pandey Resident of Village - Motishari Bhawan, Pokhana Tilha, P.S.- Deoghar, Distt.- Deoghar, Jharkhand.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Roy
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 120B, 376,498A and 494/34 of the IPC and Sections 3 & 4 of Dowry Prohibition Act.

The prosecution case as per the written report of Nikita Dubey submitted to the SHO, Mahila Police Station, Bhagalpur is to the effect that petitioners are paternal brothers of Co-accused Manish Kumar and Manish Kumar established physical relationship with the informant for three years on promise of marriage though ultimately the marriage was performed on 25.4.2019 but subsequently on 30.4.2019, the informant came to know that Co-accused Manish Kumar performed second



marriage. Thereafter, the issue was reconciled and Manish Kumar took the informant to keep her as wife in a rented house but subsequently torture was inflicted upon her.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against co-accused Manish Kumar and the petitioners have been made accused in this case only because they are paternal brothers of co-accused Manish Kumar. Co-accused Manoj Kumar Choubey has been granted anticipatory bail vide order dated 18.12.2019 passed in Cr. Misc. No. 72873 of 2019 by a Co-ordinate Bench of this Court. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the thrust of accusation against co-accused Manish Kumar, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Bhagalpur in connection



with Bhagalpur Mahila P.S. Case No.36 of 2019 subject to the
conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

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