

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27846 of 2021

Arising Out of PS. Case No.-129 Year-2015 Thana- VAISHALI District- Vaishali

1. Anil Singh Son of Lakshman Singh Resident of Village- Chausiya, Police Station- Sonpur, District- Saran (Chapra), Bihar
2. Mukesh Kumar Singh Son of Lakshman Singh Resident of Village- Chausiya, Police Station- Sonpur, District- Saran (Chapra), Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-11-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with Vaishali P.S. Case No. 129 of 2015 instituted for the offences under Sections 341, 323, 420, 379, 376 and 120B of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 04.01.2021, charge-sheet has been submitted in the case and are persons with clean antecedent.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleged that Anil Singh (petitioner no. 1) was already married and he had three children but in spite of



that, with an intention to cheat the informant, he solemnised marriage with the informant and when she got the knowledge of the previous marriage of Anil Singh, she refused to live at her matrimonial home. Thereafter, it is alleged that family members of Anil Singh including the in-laws of the informant requested her to perform marriage with his brother Mukesh Kumar Singh (petitioner no. 2) but in the meantime, the marriage of Mukesh Kumar Singh was finalised with the daughter of one Nageshwar Singh. Thereafter, it is alleged that the informant protested the finalisation of marriage of Mukesh Kumar Singh. Accordingly, it is alleged that she was ousted from her matrimonial home and ornaments worth Rs. 3 lakhs were snatched and thereafter it is alleged that both the petitioners have committed rape upon her in conspiracy.

Learned counsel for the petitioners submits that in the nature of allegation as alleged it would manifest that this informant married Anil Singh who was already married and was having children and stayed with him and consummated the marriage. Learned counsel further submits that it does not stand to reason that when the informant came to know that Anil Singh was married from before then how she became ready to marry his brother. Learned counsel further submits that this amply demonstrates that the entire family has been falsely implicated in



the present case only for the reason that Mukesh Kumar Singh marriage got fixed with another girl when the informant wanted to marry Mukesh Kumar Singh. Learned counsel further submits that as far as allegation of marriage of this informant with Anil Singh is concerned, the same is false and fabricated and allegation of rape is not made out that even presuming what has been alleged is true that it was with consent of the parties that physical relation was established.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioners are in custody since 04.01.2021, charge-sheet has been submitted in the case and the petitioners are persons with clean antecedent, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali (Hajipur) in connection with Vaishali P.S. Case No. 129 of 2015 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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