

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24723 of 2020

Arising Out of PS. Case No.-1841 Year-2000 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Nand Kishor Ray @ Nand Kishor Roy, Son of Late Ram Ashray Rai Resident of Village - Bakhari Tola Badhwa, P.S. - Kalyanpur, Dist. - East Champaran.
 2. Uma Rai @ Uma Shankar Rai Son of Ramashish Rai Resident of Village - Betiah Basant, P.S. - Kotwa, Dist. - East Champaran.
 3. Ram Janam Rai Son of Late Baidhnath Rai Resident of Village - Belwadih, P.S. - Kalyanpur, Dist. - East Champaran.
 4. Chuman Rai Son of Late Sipahi Rai Resident of Village - Baluwa, P.S. - Kalyanpur, Dist. - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Prabhu Rai Son of Late Jiyalal Rai Resident of Village - Bakhari Tola Badhwa, P.S. - Kalyanpur, Dist. - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Adv.
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-01-2021 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners have filed the instant application for grant
of anticipatory bail apprehending their arrest in connection with
G.R. No.1923 of 2019 arising out of Complaint Case No.1841
of 2000 wherein cognizance has been taken under section 366
of the Indian Penal Code.

As per allegation in the complaint, it is stated by the



complainant that he married Sita Kumari on 26-07-2000 and both of them started living as husband and wife in Delhi. The complainant's wife was forcibly brought back by her uncle, the petitioner no.1 herein and a false case was lodged against the complainant. After recording her statement under section 164 Cr.P.C. the complainant's wife was given in the custody of her father who forcibly married her once again to the petitioner no.3.

It is submitted by learned counsel for the petitioners that no case under section 366 of the Indian Penal Code is made out and in fact at best the offence attracted would be under section 494 and 109 of the Indian Penal Code and the same are bailable. It is submitted that the petitioner no.1 happens to be the cousin uncle of the victim and petitioner no.3 happens to be the husband. Petitioner nos. 2 and 4 are the co-villagers who have no concern with the affairs of the family. The allegations are general and omnibus in nature and one of the co-accused has been enlarged on bail, order of which has been brought on record as Annexure-3 to the supplementary affidavit.

The application for bail is opposed by learned counsel for the State who submits that in spite of cognizance having been taken in the year 2001, the petitioners continued to



absconded and have moved for anticipatory bail after 19 years.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that in a case where cognizance was taken in the year 2001, the petitioners moved for anticipatory bail in the year 2020, the Court is not inclined to grant bail to the petitioners. The application is rejected.

However, in the facts and circumstances of the case as narrated above, in case the petitioners surrender within four weeks and pray for bail their application shall be considered taking into consideration the grant of bail to the co-accused and without being prejudiced by this order of rejection.

(Partha Sarthy, J)

Prakash Narayan /-

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