

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5260 of 2021

Arising Out of PS. Case No.-821 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Jai Shankar Choudhary Son of Awadesh Choudhary Resident of Village - Mehan, P.S.- Dandari, Distt.- Begusarai.
 2. Bambam Chaudhary Son of Arjun Chaudhary Resident of Village - Mehan, P.S.- Dandari, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pritish Kumar Lal, Adv.
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP
For the Complainant	:	Mr. Vivekanand Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-04-2021 Heard learned counsel for the petitioners, learned
A.P.P for the State and learned counsel for the complainant.

The petitioners have filed the instant application for grant of regular bail in connection with Complaint Case no. 821 of 2018 registered under sections 363, 366A, 376, 379, 506, 120B and 34 of the Indian Penal Code.

As per allegation in the complaint, it is stated that the accused persons including the petitioners herein enticed the complainant and took her along with them to Hathidah Station from where she was taken to Ludhiyana, Barhiya and thereafter to Deoghar. It is stated that at Barhiya the wife of the petitioner no.1 as also his cousin brother were also there. On the



complainant asking the accused to marry, she was left at Barhiya Station and the complainant returned home by herself. It is stated that the accused persons used to misbehave and establish physical relations with her.

It is submitted by learned counsel for the petitioners that the father of the complainant and the petitioner no.1 are agnates and the petitioners have been falsely implicated in the case because of land dispute. Dandari P.S. Case no. 27 of 2018 was lodged by the father of the complainant herein making the petitioners as an accused under sections 366 and 366A of the Indian Penal Code, however on investigation final form was submitted in the case which has been brought on record as Annexure-3 to the petition. It is further submitted that subsequent thereof another F.I.R. being Dandari P.S. Case no.67 of 2018 was registered by the mother of the complainant wherein the statement of the complainant was recorded under section 164 Cr.P.C. Taking into consideration the contents of the statement of the complainant under section 164 Cr.P.C., the petitioner no.1 herein was enlarged on bail vide order dated 15.1.2019 (Annexure-5) passed in Cr.Misc. no.76437 of 2018. It is further submitted that subsequent to grant of of bail vide order dated 15.1.2019, the petitioner came to learn about the lodging



of yet another case being the instant Complaint Case no.821 of 2018. It is submitted that cognizance has been taken in the instant case. The petitioners are in custody since 9.10.2020. It is submitted that the petitioner has been falsely implicated in the case because of land dispute and the instant case being the third case in series of cases lodged by the other family members of the complainant.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the complainant.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the submissions made on behalf of the petitioners, lodging of the other two cases by the father and mother of the complainant as also the period in custody, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Complaint Case no. 821 of 2018 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai.

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(Partha Sarthy, J)

