

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85927 of 2019

Arising Out of PS. Case No.-417 Year-2019 Thana- SITAMARHI District- Sitamarhi

1. Shobhnath Yadav, aged about 26 years (M), S/o of Ganesh Yadav, R/o Village- Itahari, P.S.- Rasulpur, District- Saran.
2. Prem Rai, aged about 38 years (M), S/o Late Ramnath Rai, R/o Village Kandra Near Petrol Pump, P.S.- Kandra, District- Saraikela (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-02-2021 Heard Mr. Gagan Deo Yadav, the learned counsel for the petitioners, the learned Additional P.P. and the learned counsel appearing on behalf of the informant.

The petitioners apprehend their arrest in Sitamarhi P.S. Case No.417 of 2019, registered under Sections 366, 368, 376, 379 and 34 of the Indian Penal Code.

The informant filed complaint case on the basis of which the present FIR was registered. The complainant alleged that petitioner no.1 was working with her in V Bazar Mall, Sitamarhi and they were acquainted with each other, but on persuasion of the petitioners to get good salary, the petitioners took her to Kandra to work in a mall, but thereafter it is alleged that both the petitioners confined her and forcibly established physical relation with her.

Mr. Gagan Deo Yadav, the learned counsel for the petitioners submits that Annexure-3 is the inforamatory petition



given by the husband of the informant. The husband of the complainant-informant stated that his wife fled away with Shobhnath Yadav, petitioner no.1 with all ornaments and they had illicit relation. It is further submitted that the husband of the complainant-informant narrated the entire story about the character of his wife, the informant. The informant herself went along with the petitioners and petitioners never established forceful sexual relation with her, but from perusal of the complaint petition as well as the statement of the victim recorded under Section 164 Cr.P.C., the victim very categorically alleged that both the petitioners firstly persuaded her to accompany them to Kandra on the pretext to work in a big mall on good salary, but when she accompanied them to Kandra, both the petitioners confined her in a room and forcibly established physical relation with her.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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