

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9340 of 2022

Arising Out of PS. Case No.-116 Year-2021 Thana- MAHILA P.S. District- Nalanda

1. Shanti Devi @ Jageshwari Devi Wife Of Late Rajendra Prasad @ Ramji Prasad R/O Village- Preman Bigha, P.S.- Nagarnausa, District- Nalanda
2. Rinku Devi @ Rinki Devi Wife Of Shiv Kumar Paswan, D/O- Late Rajendra Prasad @ Ramji Prasad R/O Village- Preman Bigha, P.S.- Nagarnausa, District- Nalanda. At Present Resident Of Jawahar Camp Kriti Nagar, B-1/5, P.O. And P.S.- Kriti Nagar, New Delhi-110015

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Prasad, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The petitioners are apprehending their arrest in a case
registered under Sections 376, 506/34 of the Indian Penal Code
and 3 and 4 of D.P. Act.

The prosecution allegation, in short, is that the co-
accused Aman Kumar established physical relation with the
informant on the pretext of the marriage and later denied.

It has been submitted on behalf of the petitioners that



the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. As per the allegation, co-accused namely Aman Kumar is said to have established physical relationship on the assurance of marriage. Subsequently, for one reason or the other, marriage could not be solemnized and for the said reason, the present case has been instituted. Learned counsel for the petitioners submits that the said relationship was a consensual relationship between the parties. Petitioner no. 1 happens to be mother and petitioner no. 2 happens to be sister of the co-accused. The petitioners are ladies. There is no allegation of rape alleged against them. He has placed reliance on cases of the Hon'ble Supreme Court since reported in ***2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors)*** and ***(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)***.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks



from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nalanda, Bihar Sharif in connection with Mahila P.S. Case No. 116/2021, G.R. No. 6055/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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