

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25722 of 2021**

Arising Out of PS. Case No.-323 Year-2020 Thana- RIGA District- Sitamarhi

1. Jai Mangal Rai S/O Jagadish Ray R/O Village-Bhawanipur, P.S.-RIGA, District-Sitamarhi.
2. Rabari Devi W/O Jai Mangal Rai R/O Village-Bhawanipur, P.S.-RIGA, District-Sitamarhi.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha  
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      03-02-2022      Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and the State through virtual mode.

The petitioners are apprehending their arrest in Riga P.S. Case No. 323 of 2020 registered under Sections 341, 323, 306, 376 of the Indian Penal Code and Sections-4/5 of the POCSO Act.



Allegedly, on the pretext of marriage, co-accused Raja established physical relationship with the deceased which caused pregnancy of the deceased. Later on, for one reason or the other, the said marriage could not be solemnized and she committed suicide.

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 been falsely implicated in the present case. As per allegation, the son of the petitioners namely Raja who happens to be co-accused in the present case, was in physical relationship with the victim/deceased and on the pretext of marriage, the said physical relationship was established between the parties. The same was a consensual relationship. It is further alleged that the petitioners who happen to be parents of the co-accused did not agree with solemnization of marriage of their son with the deceased/victim. Subsequently, the victim is alleged to have committed suicide. Hence, there is no allegation in respect of commission of rape against the petitioners. At best, it may be alleged that petitioners are the abettors in the act of commission of suicide by the victim. On the point of being the abettors, there is no sufficient evidence to



show that the petitioners are abettors in the commission of suicide of the victim.

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

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional District & Sessions Judge-VI, Sitamarhi in connection with Riga P.S. Case No. 323 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with



two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

A.K.V.//-

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