

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39417 of 2021

Arising Out of PS. Case No.-1507 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. MANTUN SAH @ MANTUN SHAH Son of Late Ghutan Sah Resident of Village - Barauni Flag, P.S.- Teghra, District - Begusarai.
 2. Sharvan Kumar @ Shravan Kumar Son of Mantun Sah @ Mantun Shah Resident of Village - Barauni Flag, P.S.- Teghra, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari Wife of Rohit Sah Daughter of Shankar Sah, Resident of Village - Lakho, P.S.- Muffasil, District - Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sandip Kumar Gautam
For the Opposite Party/s	:	Mr.Uma Shankar Prasad Singh Mr.Braj Bhudhan Poddar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-03-2022 Heard the parties.

Learned counsel for the petitioners undertakes to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case in connection with Complaint Case No.1507 of 2019, registered for the offence punishable under Sections 323, 498(A), 406, 354, 376, 504, 34 of the Indian Penal Code and cognizance has been taken u/s 498(A), 34 of the IPC.



The allegation against the petitioners is that they used to abuse and assault the complainant for non-fulfillment of demand of dowry. Further allegation is that petitioner no.1 being the father-in-law of the complainant has committed rape upon her while the petitioner no.2, brother-in-law has also tried to commit rape upon her.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case on the basis of false and baseless allegation. No such occurrence, in the manner as alleged has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. After filing of the complaint petition by the complainant, the court below has taken cognizance under section 498(a)/34 IPC. Petitioners have no criminal antecedent, as also mentioned in par-3 of this application.

Learned APP for the State as well as learned counsel for the complainant opposed the prayer for bail by submitting that there is specific allegation against the petitioners but have not disputed the fact that the court below has not taken cognizance u/s 376 IPC.

Having regard to the facts and circumstances of the case,



since no cognizance has been taken u/s 376 IPC, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.1507 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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