

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43031 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- MAHILA P.S. District- Rohtas

1. Arjun Singh Son Of Late Shyam Bihari Singh R/O Village- Banjari, P.S.- Rohtas, District- Rohtas (BIHAR)
2. Manju Devi Wife Of Arjun Singh R/O Village- Banjari, P.S.- Rohtas, District- Rohtas (BIHAR)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2022 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 341, 323, 376, 496, 494, 34 of the
Indian Penal Code and Section 9, 10 and 11 of Child Marriage
Act.

The prosecution allegation, in short, is that on the
pretext of marriage, the son of the petitioners committed rape
on the victim and later refused.



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. The son of petitioners is alleged to have established physical relationship with the victim on the assurance of marriage. Learned counsel for the petitioners submits that the said relationship was a consensual relation between the parties. 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 A.D.J.-VI-cum- Special Judge, POCSO, Rohtas in connection with Mahila



P.S. Case No. 39/2020, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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