

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33532 of 2022

Arising Out of PS. Case No.-64 Year-2018 Thana- MAHILA P.S. District- Muzaffarpur

1. MUNNA THAKUR S/o Madan Thakur R/o Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
2. Rakesh Thakur S/o Madan Thakur Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prakash Shrarma, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 376, 504, 506 and 34 of the Indian Penal Code & 4/6 of POCSO Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his minor daughter had gone to buy some articles but did not return, further after two days he came to know that his daughter is in the house of Munna Thakur, accordingly he reached the house of Munna Thakur where he was abused and assaulted, further his daughter informed that Munna had



established physical relation on pretext of marriage, next when he asked Munna to marry, the named accused persons including the petitioner abused and assaulted him.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that victim is a major and was in love with petitioner no. 1 and had eloped and both of them had married but on account of parental pressure she made her statement under Section 164 Cr.P.C supporting the case of the prosecution, it is next submitted that thereafter the victim again came back to the house of petitioner no. 1 and is staying as husband and wife and out of the wedlock, a child was also born and presently also the victim is pregnant with her second child and is leading a happy and peaceful conjugal life.

Learned counsel for the petitioners further submits that the present anticipatory bail application has been affidavited by the father-in-law of the petitioner no. 1 and i.e. father of the victim.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the



event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahila P.S. Case No. 64 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, before accepting bail bonds of the petitioner, the learned Trial Court shall verify from the informant and the victim as to whether the victim is staying with petitioner no. 1 or not and in the event, if it is found that the Court was misled for the purposes of anticipatory bail and the victim is not staying with petitioner no. 1, the present anticipatory bail shall not be given effect.

(Satyavrat Verma, J)

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