

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38177 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- MAHILA PS District- Gaya

1. BARHAN DAS @ BARHAN RAVI DAS S/o Late Ram Briksh Das Resident of Village - Satamas, P.O.- Satamas, P.s.- Khizarsarai, District - Gaya.
2. Vinay Das @ Anand Kumar Das S/o Barhan Das @ Barhan Das Resident of Village - Satamas, P.O.- Satamas, P.s.- Khizarsarai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 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 494, 376(D) of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioners are persons with clean antecedent and are father and son and the informant is daughter-in-law of the petitioner No. 1 and petitioner No. 2 is younger brother of the husband of the informant. Learned counsel next submits that informant alleges that on account of lock-down, her husband came back to his parental house after he lost his job, it is next alleged that on



7.10.2021, her husband said that if he will get a job he would take her with him, thereafter, it was revealed to the informant that her husband had remarried, further, when she revealed this to petitioner No. 1, the petitioner No. 1 denied the said fact and said that he was there for her, it is next alleged that on 14.10.2021 when she was alone at 8:00 pm, petitioner No. 1 in an intoxicated condition, forcefully established physical relations with her and said that if her husband did not come she could live with him, it is also alleged that the occurrence was repeated by petitioner No. 1, thereafter, one day petitioner No. 2 also established physical relations with her when his wife was not present in the house repeatedly for eight days, thereafter, the victim fled from the house with her children.

Learned counsel for the petitioner submits that petitioners have been falsely implicated in the present case, it is next submitted that though the informant alleges that her husband performed his second marriage but then she has not filed any case against him, it is also submitted that the informant in greed of property has tried to falsely implicate the petitioners, it is next submitted that the relationship between the petitioner No. 1 and the informant is sacrosanct and the petitioner No. 1 cannot even think of committing such an occurrence when he is



staying with his son and other daughter-in-law, it is next submitted that since petitioner is not willing to partition the property during his lifetime as such in order to pressurize him, the present false case has been instituted and to force the petitioner No. 1 into submission the petitioner No. 2 has also been implicated when petitioner No. 2 is happily married and staying with his wife who stays in the same house where the occurrence is alleged to have taken place, it is also submitted that the FIR appears to be vague and cryptic as it does not disclose the date on which the sister-in-law of the informant was not in the house and from when to when the petitioner No. 2 committed the indecent act.

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) each 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. 47 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event if the charge sheet is submitted after investigation and the learned Trial Court comes to a conclusion that petitioners are trying to delay the trial after obtaining bail, then the learned Trial Court shall be at liberty to pass orders in accordance with law and shall have liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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