

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48343 of 2021**

Arising Out of PS. Case No.-345 Year-2020 Thana- BALIYA District- Begusarai

1. Md. Babloo S/O Md. Gayas R/O Village- Kasba, P.S.- Balia, District- Begusarai
2. Md. Rahmat S/O Md. Ahmad @ Md. Ahmad Husain R/O Village- Kasba, P.S.- Balia, District- Begusarai
3. Md. Nadir S/O Late Md. Sadique R/O Village- Ninga, P.S.- Barauni, District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 29-06-2022 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 376, 493, 420 and 509 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and they have been implicated in the present case merely because they are brother and uncle of Md. Mister. It is next submitted that the informant alleges that her husband died six years ago and accused Md. Mister taking advantage of her widowed, raped her



on the pretext of marriage and continued with the offence for nearly three years. It is next alleged that Md. Mister even took a loan of Rs. Two Lac from the informant on the pretext of marriage of his sister. It is next alleged that thereafter Md. Mister kept the matter lingering and even threatened the informant that she will be killed if she again raises the demand of marriage. It is next alleged that on 05.08.2020, a panchayati was held in which Md. Mister admitted the guilt and assured that he will marry, but thereafter, he resiled from his promise. It is alleged that the petitioner being relative of Md. Mister supported him.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. From perusal of the allegation as alleged, it would manifest that whatever happened, happened between the informant and Md. Mister, but the entire family members have been roped by the informant in the present case. It is next submitted that prima facie, in the nature of allegation, no offence under Section 376 of the I.P.C. is made out, nor allegation under Section 420 of the I.P.C. against the petitioners are made out.

The learned Additional Public Prosecutor opposes the anticipatory bail application.



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 Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Balia P. S. Case No.345 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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