

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4122 of 2021

Arising Out of PS. Case No.-86 Year-2020 Thana- MAHINDWARA District- Sitamarhi

=====

SANJEET KUMAR SON OF RAMPRATAP RAY RESIDENT OF
VILLAGE - BALUA KHARAHUA, P.S. - MAHINDWARA, DISTRICT -
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 5919 of 2021

Arising Out of PS. Case No.-86 Year-2020 Thana- MAHINDWARA District- Sitamarhi

- =====
1. RAMJEE RAY Son of Ram Pratap Ray Resident of Village - Balua Kharaua (Kharahua), P.S.- Mahindwara, District - Sitamarhi.
 2. Manjeet Ray @ Ramesh Kumar Son of Ram Pratap Ray Resident of Village - Balua Kharaua (Kharahua), P.S.- Mahindwara, District - Sitamarhi.
 3. Maheshar Ray @ Ram Mahesh Ray Son of Late Rajendra Ray Resident of Village - Balua Kharaua (Kharahua), P.S.- Mahindwara, District - Sitamarhi.
 4. Bnay Ray @ Vinay Yadav Son of Maheshar Ray @ Ram Mahesh Ray Resident of Village - Balua Kharaua (Kharahua), P.S.- Mahindwara, District - Sitamarhi.
 5. Bathu Ray Son of Ram Prasad Ray @ Fali Ray Resident of Village - Balua Kharaua (Kharahua), P.S.- Mahindwara, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4122 of 2021)

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr. APP

(In CRIMINAL MISCELLANEOUS No. 5919 of 2021)

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr. APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 01-02-2022

Heard Mr. Virendra Kumar, the learned Advocate



for the petitioners in both the cases and the learned APP for the State.

The petitioners in both the cases, seek bail in anticipation of their arrest in connection with Mahindwara P.S. Case No. 86 of 2020, dated 17.07.2020, instituted for the offences under Sections 363, 366A, 376 and 504/34 of the Indian Penal Code, Sections 4 and 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(i) (xi) and (xii) of the S.C./S.T. (Prevention of Atrocities) Act.

Though the learned counsel for the petitioners has pointed out that from the bare reading of the subject F.I.R. (annexure -1) and the F.I.R. lodged by the petitioner (Sanjeet Kumar) which is annexure -2 to the bail petition, it would appear that the brother of the petitioner (Sanjeet Kumar) had run away with the victim girl to Varanasi where they had married. The aforesaid marriage was not acceptable to either of the families and an attempt was made to resolve the issue. However, the brother of the petitioner (Sanjeet Kumar) was said to have taken away by the members of the prosecution party in the present case and he is not to be



heard of till today.

The petitioner (Sanjeet Kumar) and his family members suspect that perhaps he has been killed.

This Court does not find any such fact in investigation papers.

Be that as it may, this Court has perused the statement of the victim girl under Section 164 Cr.P.C., in which a different story has been narrated by her in which the petitioners have not been named.

The learned counsel for the petitioners has informed this Court that two of the accused persons whose names have been taken in 164 statement of the victim girl have been granted anticipatory bail by a different Bench of this Court.

Though, there is no definite accusation of rape against the petitioners in the aforesaid two applications, but considering the background facts and the manner in which the occurrence is said to have taken place and also taking into account the explanation offered for delayed lodging of this case, I am not inclined to grant anticipatory bail to



them.

Their anticipatory bail is rejected.

However, if the petitioners surrender before the court below and seek bail, the grounds noted above shall be taken into account and an order shall be passed without being prejudiced by the fact that the present petition on their behalf has not been entertained.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

