

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14635 of 2023

Arising Out of PS. Case No.-245 Year-2022 Thana- BARUN District- Aurangabad

1. Manish Kumar, S/O Sri Abhay Singh Resident Of Village- Hasanpur, P.S.- Baroon, District- Aurangabad (Bihar).
2. Rita Devi, D/O Sri Abhay Singh Resident Of Village- Hasanpur, P.S.- Baroon, District- Aurangabad (Bihar).
3. Chhoti Kumari, D/O Sri Abhay Singh Resident Of Village- Hasanpur, P.S.- Baroon, District- Aurangabad (Bihar).
4. Madhu Kumar, S/O Late Sibhay Kumar Singh Resident Of Village- Hasanpur, P.S.- Baroon, District- Aurangabad (Bihar).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-07-2023 1. The learned counsel for the petitioner seeks permission to make rectification in the cause title of the petitioner, during course of the day, as it has been submitted that they are resident of Habaspur, but inadvertently, the same has been typed as Hasanpur.
2. Permission is accorded.
3. The other defects are ignored.
4. Heard learned counsel for the petitioners and learned APP for the State.
5. The petitioners seek bail in anticipation of their



arrest in a case registered for the offences punishable under Section 366A/34 of the Indian Penal Code.

6. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner nos.2 and 3 are women and the informant alleges that Manish Kumar (petitioner no.1) enticed his sister with the help of petitioners and eloped with an intention to marry.

7. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the same alleges that Manish Kumar enticed his sister for the purposes of marriage, which amply demonstrates that the alleged victim was in love with Manish Kumar. It is next submitted that Manish Kumar and the victim married on 27.6.2022 and both are majors as would be evident from Annexure-3 to the anticipatory bail application. It is further submitted that they are living a peaceful conjugal life and being majors were entitled to select their own life partners.

8. Learned A.P.P. opposes the bail application.

9. 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 ten weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Barun P. S. Case No.245 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

11. However, the learned trial Court before accepting the bail bonds of the petitioner shall seek a report from the Superintendent of Police of the District verifying as to whether Manish Kumar (petitioner no.1) and the victim (Sonam Kumari) are living as husband and wife or not and in the event, it is reported that they are not living as husband and wife, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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