

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40968 of 2020

Arising Out of PS. Case No.-140 Year-2019 Thana- BATHNAHA District- Sitamarhi

1. ANIL KAPAR Son of Ramvali Kapar Resident of Village- Koari, P.S.- Bathnaha, District- Sitamarhi.
2. Sonu Kapar @ Sonu Kumar Son of Ramvali Kapar Resident of Village- Koari, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 02-01-2023 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Bathnaha P.S. Case No. 140 of 2019, registered for the offences punishable under Sections 366, 368 and 376/34 of the Indian Penal Code.

The present FIR has been lodged on the basis of complaint petition filed by the complainant with allegation that the petitioner no. 1, who was already widower and father of



three children, was contacted by her parents for her marriage, and he committed rape upon the complainant.

The learned Additional Public Prosecutor, Shri Shailendra Kumar has submitted that the statement of the victim has been recorded under Section 164 of the Code of Criminal Procedure, in which she has reiterated her earlier version. In the complaint petition, not only she made allegation against the petitioners, but she has also mentioned that at the instance of the present petitioner no. 1, his younger brother has committed some misdeed with her.

On the other hand, the learned counsel for the petitioners has submitted that the petitioner no. 1 is admittedly a widower and father of three children. As a matter of fact, the complainant was not ready for her marriage with the petitioner no. 1, to which she was pressured by her parents. She fled away from her house. Her parents made pressure upon the complainant to solemnize marriage with the petitioner no. 1. She has lodged this complaint petition and at the pressure of her parents. The complainant has rendered her statement under Section 164 of the Cr.P.C. He has submitted further that the complainant has disclosed all these facts in her affidavit filed as Annexure-2. The Annexure-2 itself shows that the complainant



has rendered her statement under Section 164 of the Cr.P.C. on the pressure of her parents and she has lodged this false case against the petitioners at the pressure of her parents.

Considering the above-mentioned facts and circumstances, the petitioners above-named, in the event of their arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 140 of 2019, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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