

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46073 of 2023

Arising Out of PS. Case No.-615 Year-2022 Thana- KESARIA District- East Champaran

1. ZAJUL MIYA @ AZAJUL MIYA @ EAJUL HAQUE SON OF LATE HAFIZ MIAN VILL CHAND SARAIYA PS PIPRA KOTHI DIST EAST CHAMPARAN
2. PAPPU @ MD. PAPPU ALAM SON OF GULSON MIYA @ GULJAN MIAN VILL CHAND SARAIYA PS PIPRA KOTHI DIST EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh
For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kesariya Police Station Case No. 615 of 2022, dated 20.12.2022, disclosing offences under Sections 376/420/406 of the Indian Penal Code.

The prosecution case, on the basis of the First Information Report, is that co-accused Md. Wazul@Guddu established physical relationship with the complainant/informant on the pretext of marriage and subsequently he refused to marry her. It has further been alleged that the petitioners used to come at the door of the



complainant/informant, abused and threatened her of dire consequences.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case merely because they happen to be the brother and uncle of the co-accused Md. Wazul@Guddu. He further submits that the allegation of establishing physical relationship is against the co-accused Md. Wazul@Guddu, who has been granted anticipatory bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 33849 of 2023.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that that there is no allegation of rape against the petitioners and the co-accused, against whom allegation of establishing physical relationship has been alleged, has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate,
East Champaran at Motihari, in connection with Kesariya Police
Station Case No. 615 of 2022, subject to the condition laid
down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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