

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49696 of 2023

Arising Out of PS. Case No.-113 Year-2022 Thana- PAUTHU District- Aurangabad

1. PRABHAWATI DEVI W/O Anuj Yadav @ Arjun Yadav R/O Village- Ajaan, P.S- Goh, Distt.- Aurangabad.
2. Bharat Kumar S/O Devilal Yadav @ Munna Yadav @ Muni Yadav R/O Village- Ajaan, P.S- Goh, Distt.-Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-08-2023 Heard Mr. Bhaskar Shankar, learned counsel for the petitioners and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Pauthu PS Case No. 113/2022 dated 13.10.2022 registered for the offence punishable under Sections 307/34 of the IPC.

3. The First Information Report, lodged on the basis of *Fard-e-beyan* of Chaukidar of Pauthu Police Station on 13.10.2022, the informant got the information that a girl was drowning in Mandar river at Barpa village who was saved by the villagers and her name is Puja Kumari aged about 18 years, daughter of Devilal Yadav. It has further been alleged that the



victim girl has disclosed to the Chaukidar that she has been thrown into the river by her own brothers, namely, Navin Kumar and Bharat Kumar and her aunt Prabhawati Devi because she was talking on a mobile with somebody. The girl has also disclosed that after being saved, she was assaulted by her family members and they strangulated her due to which she became unconscious and then she was thrown into the river and when she regained her consciousness she found herself hanging from the tree situated in the bank of the Mandar river.

4. Learned counsel for the petitioners submits that they have falsely been implicated in this case on the basis of concocted story cooked by the Chaukidar of the village with oblique motive. He next submits that the victim is own sister of petitioner no.2 and niece of petitioner no.1. It is further submitted that the victim is major and could have lodged the FIR herself while the present FIR has been lodged by the Chaukidar which is highly improbable. Lastly, it has been submitted that the family members have entered into a compromise wherein the victim girl has also signed. The certified copy of the compromise petition filed before the court of CJM, Aurangabad has been produced by the learned counsel for the petitioner.



5. Regards being had to the submissions made by the parties, taking into consideration that the petitioners are family members of the victim and a compromise has been arrived at between the parties which would be evident from the compromise petition produced before this Court, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, let the petitioners, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Pauthu PS Case No. 113/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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