

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65896 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- MADHEPUR District- Madhubani

RAHUL KUMAR JHA @ RAHUL JHA Son of Shri Ajay Jha Resident of House No.- 102, Kotla Village, Mayur Vihar Phase 1, Delhi at present R/O Village - Chunni, Block - Madhepur, P.S.- Madhepur, District - Madhubani, Bihar – 847408. Petitioner/s

Versus

1. The State of Bihar
2. Ricky Kumari Daughter of Shri. Pratap Jha R/O Village - Chunni, Block - Madhepur, P.S.- Madhepur, District - Madhubani, Bihar - 847408 Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50770 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- MADHEPUR District- Madhubani

KAUSHAL KUMAR JHA Son of Jay Shankar Jha R/V- Chunni, Block Madhepur, PS- Madhepur, Dist- Madhubani, State- Bihar (Pin-847408). Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57111 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- MADHEPUR District- Madhubani

JAY SHANKAR JHA S/O LATE SHRI NARSING JHA Resident of village- Chunni, Block Madhepur, P.S.- Madhepur, District- Madhubani, State- Bihar (PIN-847408). Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65896 of 2022)

For the Petitioner/s : Mr.Vishal Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

(In CRIMINAL MISCELLANEOUS No. 50770 of 2022)

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr. Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 57111 of 2022)

For the Petitioner/s : Mr.Shivam Kumar Pandey

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-01-2023 Heard learned counsel for the petitioners and the



State.

The petitioners apprehend their arrest in connection with Madhepur P.S. Case No. 126 of 2021 for the offence registered under Sections 341, 323, 324, 307, 504, 506, 342, 354, 354A, 354B and 498-A/34 of the Indian Penal Code.

As per the prosecution story, the informant, Ricky Kumari alleged that Rahul Kumar Jha @ Rahul Jha sexually exploited her and got her married only to desert her after reaching Jaynagar, Madhubani. Further due to intervention of the locals, she was allowed to enter her in-laws home but was always ill-treated.

In between, allegation is that Kaushal Kumar Jha, uncle of Rahul Kumar Jha @ Rahul Jha in an inebriated condition always used to storm her room and tried to make physical relationship with her. Upon protest, she was regularly thrashed. On the fateful day, allegation is that Kaushal Kumar Jha once again entered her house and tried to sexually assault her. Upon her protest, she was severely beaten.

Anyhow, she made a telephonic call to the Madhepura police station whereafter the police reached her in-laws place, the accused persons fled away and she was rescued. Accordingly the FIR has been lodged.



Learned counsel for the petitioners submit that the lady is a married women, having married the cousin brother of Rahul Kumar Jha @ Rahul Jha on 21.02.2015 (Annexure-2). She further enticed the petitioner, Rahul Kumar Jha & Rahul Jha (Cr. Misc. No. 65896 of 2022) and once again solemnized marriage on 07.04.2021 (Annexure-3). Further, upon knowledge of her earlier marriage, Rahul Kumar Jha @ Rahul Jha submitted an application on 06.07.2021 for nullity of the said marriage (Annexure-4). Thus, it is his submission that in that background, the entire story seems to be improbable, if not false. As such, he prays for relief for all the petitioners aforesaid.

From the allegation in the FIR, it is clear that earlier Rahul Kumar Jha @ Rahul Jha exploited her sexually and thereafter, deserted her once they returned from Delhi to Bihar. The further allegation is against Kaushal Jha who despite being uncle of Rahul Kumar Jha @ Rahul Jha in an inebriated stage always used to storm the room of the informant and wanted physical relationship with her and when she protested, was thrashed.

In that background, no relief can be extended to both Rahul Kumar Jha @ Rahul Kumar (Cr.Misc. No. 65896 of



2022) and Kaushal Kumar Jha (Cr. Misc. No. 50770 of 2022) and their petitions stand rejected.

So far as petitioner, Jay Shankar Jha (Cr. Misc. No. 57111 of 2022) is concerned, he is the grand father-in-law, 70 years of age and the allegation in the FIR mainly attributed towards the two aforesaid accused persons, namely, Rahul Kumar Jha @ Rahul Jha & Kaushal Kumar Jha and in that background, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner, namely, Jay Shankar Jha (Cr. Misc. No. 57111 of 2022) in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1, Jhanjharpur in connection with Madhepura P.S. Case No. 126 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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