

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60833 of 2023

Arising Out of PS. Case No.-364 Year-2023 Thana- TAJPUR District- Samastipur

1. Abhishek Anand @ Ankit Son Of Vijay Jha Resident Of Village- Sarajpur, Ps- Tajpur, Halai, Distt- Samastipur
2. Vijay Jha Son Of Late Baidyanath Jha Resident Of Village- Sarajpur, Ps- Tajpur, Halai, Distt- Samastipur
3. Runki Devi@ Rinki Devi @ Rinkee Kumari Wife Of Vijay Jha Resident Of Village- Sarajpur, Ps- Tajpur, Halai, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Bijay Bhushan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioners are apprehending their arrest in connection with Tajpur Halai P.S. Case No. 364/ 2023 registered for the offence punishable under Sections 452, 376, 504, 292A, 506 and 34 of the Indian Penal Code (for brevity 'IPC').

3. The informant alleges that petitioner No. 1 was brought to Mumbai by the informant's husband. Petitioner No. 1 has forcibly established physical relationship with informant in April, 2022. This has intermittently continued even after the informant returned to Bihar at Samastipur. Last occurrence, as



per the First Information Report (for brevity 'F.I.R.') being in the night, on 19-06-2023 and 20-06-2023.

4. Learned counsel for the petitioners submits that petitioner No. 1 is nephew of the informant. Petitioner Nos. 2 and 3 are the father and mother of the petitioner No. 1. It is submitted that the allegations levelled by the informant are far-fetched and highly improbable that the father (petitioner No.2) and mother (petitioner No.3) would facilitate aid or abet commission of rape by their son upon the informant (his aunty). It is submitted that falsity is also evident from the fact that the narration of allegations is for over a year. There is allegation of some obscene photographs being taken by the instant petitioner. However, no such photographs have been placed on record along with the F.I.R. In fact, there is some transaction between the petitioner and the informant and to deny the liability arising out of the said transaction, petitioners have been implicated in this case. The parties are relatives and the petitioners have no criminal antecedents.

5. Learned APP for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail. It is submitted that specific allegation has been levelled against petitioner No. 1 and the F.I.R., discloses active aiding and



abetting by the petitioner Nos. 2 & 3. The forcible establishment of physical relationship has been continuing for a year.

6. Having regard to the submissions advanced by the petitioners' counsel, the fact that the parties are relatives, nature of allegations, bordering on improbability and clean antecedents of the petitioners, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. These observations may not be treated as opinion of this Court on the merits of the case

8. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Samastipur, in connection with Tajpur Halai P.S. Case No. 364 of 2023, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.



(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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