

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76949 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- RAMNAGAR District- West Champaran

1. CHANDAN KUMAR @ CHANDAN PATEL SON OF RAMSHUBHAG CHAUDHARY @ RAMSUBHAG PATEL @ RAMSUHAG PATEL R/O VILLAGE- KUMHIYA, BISHUNPURWA, P.S.- BAGAHA, DIST.- WEST CHAMPARAN
2. RAMSHUBHAG CHAUDHARY @ RAMSUBHAG PATEL @ RAMSUHAG PATEL SON OF LATE SHRI KISHUN CHAUDHARY R/O VILLAGE- KUMHIYA, BISHUNPURWA, P.S.- BAGAHA, DIST.- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 376 of the Indian Penal Code and 8 and 12 of POCSO Act.

3. Allegedly, the petitioners who are the brother and father of the co-accused Kundan Kumar is said to have demanded dowry from the informant's father for the purpose of informant marriage with co-accused Kundan Kumar. It is also alleged that when the informant's father went to the house of the petitioners to give them demanded money, they refused to solemnize marriage of the informant and Kundan Kumar and



also misbehaved with the informant's father.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. Petitioner no.1 is the brother and petitioner no.2 is the father of co-accused Kundan. He further submits that the co-accused has solemnized marriage with the informant which is evident from Annexure-2 of the bail application. He further submits that co-accused Kundan has been granted anticipatory bail by a co-ordinate Bench of this Court (Annexure-3). Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Ramnagar P.S. Case No.138 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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