

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76137 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- MAHILA PS District- Khagaria

1. Krishna Kumar S/O Muneshwar Kewat Village- Sahorwa, Ps. Amausi (MORKAHI), Dist.Khagaria
2. Ajit Kewat S/O Muneshwar Kewat Village- Sahorwa, Ps. Amausi (MORKAHI), Dist.Khagaria
3. Raghunandan Kewat S/O Muneshwar Kewat Village- Sahorwa, Ps. Amausi (MORKAHI), Dist.Khagaria
4. Sri Ram Kewat @ Sri Ram Kumar S/O Rajendra Kewat Village- Sahorwa, Ps. Amausi (MORKAHI), Dist.Khagaria
5. Muneshwar Kewat S/O Late Hardev Kewat Village- Sahorwa, Ps. Amausi (MORKAHI), Dist.Khagaria

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-12-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Khagaria Sadar Mahila P.S. Case No. 46 of 2023 dated 12.06.2023 registered for the offences punishable u/ss 376, 341, 323, 504 read with section 34 of the Indian Penal Code and u/s 4 of the POCSO Act.

3. As per the prosecution case, the co-accused Kundan Kumar established physical relationship with the informant on the pretext of marriage. The parents of the co-accused Kundan



Kumar refused the marriage proposal and assaulted the informant's father. Thereafter, the parents of the informant married the informant to another man. Later on, the co-accused Kundan Kumar began to live with the informant which resulted in ending the informant's earlier marriage. The petitioners and the co-accused persons brutally assaulted the informant and her father when she was returning from the doctor after getting her treatment.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. It is further submitted that the allegation against the petitioners are ornamental and the alleged allegation of rape is against the co-accused Kundan Kumar and not against the petitioners. Learned counsel has further submitted that the petitioners have no concern with the alleged offence hence, no case is made out against the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances as well as the allegation being general and omnibus, let the



above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Khagaria in connection with Khagaria Sadar Mahila P.S. Case No. 46 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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