

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12053 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- RAJIVNAGAR District- Patna

1. Prem Prakash Son of Late Shiv Shankar Singh Resident of Plot No.- 11, Abhyaday Nagar, Ghurdaur Road, Digha, P.S.- Rajeev Nagar, District- Patna
2. Chandra Shekhar Singh Son of Late Ram Jiwan Prasad Resident of rikabganj, Patna City, P.S.- Khajekala, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar PATNA
2. Nutan Kumari D/o Sri Bhuneshwar Prasad Kushwaha Resident of - House No.-92, Montessori School Lane, Boring Road, P.S.- Shree Krishna Puri, P.O.- Boring Road, District- Patna, Pin Code - 800001

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-03-2024 Heard Mr. Ashok Kumar Sinha, learned counsel for the petitioners and Mr. Dilip Kumar No.1, learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code .

3. Allegedly, all the accused persons including the petitioners are said to have tortured upon the informant physically and mentally and also tried to kill her several times. Petitioner no.2 tried to commit rape with her.

4. It is submitted by learned counsel for the petitioners



that the petitioners are innocent and they have committed no offence. Petitioner no.1 and petitioner no.2 are husband and *Nandoi* of the informant, respectively. They have neither made any attempt to kill her nor drove her out of her matrimonial home nor tormented her. There is no allegation against the petitioners to tamper the evidence. The mother of petitioner no.1 filed Rajiv Nagar P.S. Case No. 253 of 2023 against the informant and her family members. It is further submitted that petitioner no.1 also filed a matrimonial case bearing Matrimonial Case No. 1552 of 2022 on 22.11.2022 before the learned Court below for decree of divorce from his wife (informant) in which reconciliation has been failed between them. After filing of the above mentioned matrimonial case, the informant filed Maintenance Case No. 14 of 2023 on 10.01.2023 and thereafter filed the present case with concocted story implicating the innocent persons. Petitioners have no criminal antecedent as mentioned in Para 3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, 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 Rajeev Nagar P.S. Case No. 251 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Anjani Kumar Sharan, J)

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