

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19223 of 2024**

Arising Out of PS. Case No.-2105 Year-2022 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. Rajendra Prasad Singh S/o Late Kameshwar Singh R/o VILLAGE - Baluaa Tola, P.S. and P.O. - Piro, District - Bhojpur
  2. Mantosh Kumar @ Santosh Kumar Singh S/o Rajendra Prasad Singh R/o Village - Baluaa Tola, P.S. and P.O. - Piro, District - Bhojpur
  3. Sharda Devi W/o Rajendra Prasad Singh R/o Village - Baluaa Tola, P.S. and P.O. - Piro, District - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari W/o Mantosh Kumar @ Santosh Kumar Singh, D/o Madan Kumar Singh R/o Mohalla - A.G. Colony, Shastri Nagar, P.S. - Shastri Nagar, Dist. - Patna

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Rajendra Narayan Prasad, Sr. Adv.<br>Mr. Ganesh Prasad Singh, Adv. |
| For the State        | : | Mr. Tarun Prasad Mandal, APP                                           |
| For the Complainant  | : | Mr. Ravi S. Pankaj, Adv.                                               |

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**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      29-03-2024                      Heard learned senior counsel for the petitioners, learned counsel for the complainant and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 2105 of 2022, instituted for the offence punishable under Sections 323 and 354 of the Indian Penal Code.



3. The case of prosecution, in short, is that the complainant was married with the petitioner no.2 on 30-04-2021. After marriage, her husband (petitioner no.2) did not establish physical relation as a husband and wife. It is further alleged that petitioner no.1 used to ask her for sexual favour for which other accused persons did not make any protest. It is further alleged that accused persons under conspiracy to each other tried that complainant should give birth of a child with illicit relation with any one. Petitioners also brutally assaulted the complainant.

4. Learned senior counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner nos.1, 2 and 3 are the father-in-law, husband and mother-in-law of the complainant respectively. The Complaint case bearing Complaint Case No. 2105 of 2022 has been filed for the offence punishable under Sections 406, 420, 323, 324, 354, 376, 307, 34 and 120B of the IPC, but the learned Magistrate took cognizance only under Sections 323 and 354 of the IPC. It is next submitted that much before the filing of the complaint case, complainant lodged complaint before the Mahila Thana, Gardanibagh. Upon notice, petitioner no.2 has appeared before



the Police Officer for mediation, where the complainant flatly refused to reside with the petitioner No.2 rather she wanted divorce through court. It is submitted that petitioners are always ready to keep the complainant with full dignity and owner. It is submitted that there is specific allegation in the complaint petition (Annexure P/1) of committing rape upon the complainant against the petitioner no.1, who is father-in-law, but the aforesaid allegation has not been described in the complaint petition dated 20-09-2021 filed before the Mahila Thana, Gardanibagh (Annexure- P/2). Lastly, it is submitted that petitioners are man of clean antecedents.

5. Learned counsel for the complainant as well as learned APP have vehemently opposed the prayer for bail of the petitioners. It is submitted that petitioner no.2, who is the husband of the complainant, has solemnized second marriage with other lady and that is why she did not want to live with her husband.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Complaint Case No. 2105 of 2022, they shall be released on anticipatory bail



upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Patna or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

**(Khatim Reza, J)**

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