

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32036 of 2023

Arising Out of PS. Case No.-346 Year-2022 Thana- SOHSARAI District- Nalanda

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1. Anil Kumar, aged about 60 years, Gender-Male, Son of Late Krishna Prasad, Resident of Mohalla - Nand Nagar, Behind- Soh Sarai Thana, P.S. - Soh Sarai, Distt. - Nalanda.
 2. Ashish Raj, aged about 30 years, Gender-Male, Son of Anil Kumar, Resident of Mohalla - Nand Nagar, Behind- Soh Sarai Thana, P.S. - Soh Sarai, Distt. - Nalanda.

... .. Petitioners

Versus

1. The State of Bihar
2. Smt. Mona, Wife of Late Amit Kumar, D/o Shiv Shankar Prasad, At present residing at village- Sheikhpura Pachna, P.S. - Sheikhpura, Distt. - Sheikhpura.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Madhurendra Kumar, Advocate
For the O.P. No. 2	:	Mr. Abu Bakar, Advocate,
For the State	:	Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 08-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Soh Sarai P.S. Case No. 346 of 2022 dated 26.12.2022 registered for the offences punishable under



Sections 323, 498A, 354B, 506/34 and 341 of the I.P.C.

4. As per the prosecution case, the petitioners are alleged to have outraged the modesty of the informant. On protect, her mother-in-law and sister-in-law (Gotani) came and started creating pressure on her.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. The petitioner no. 1 is the father-in-law and the petitioner no. 2 is the brother-in-law (Dewar) of the informant and they are living separately from the informant and they have no concern with the alleged offence. It is submitted that the husband of the informant died during the course of treatment due to cardio pulmonary arrest on 07.12.2022 and prior to death of her husband, she has been living separately from the petitioners. The reason behind the occurrence is due to partition of family property by the informant and she wants to sell the property after partition which was not accepted to other family members. The petitioners have one criminal antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioners.



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Bihar Shariff, Nalanda in connection with Soh Sarai P.S. Case No. 346 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

I. The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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