

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37331 of 2024

Arising Out of PS. Case No.-6 Year-2023 Thana- PUSA District- Samastipur

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1. Sanjay Rai @ Sanjay Kumar Rai S/O Dev Narayan Rai @ Devnarayan Mahto
 2. Devnarayan Mahto @ Dev Narayan Rai S/O Yadu Rai
All R/O Village- Harpur, P.S- Pusa, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-07-2024 Learned counsel for the petitioners seek permission to withdraw the anticipatory bail application with respect to petitioner no.1.

2. Permission is accorded.

3. Accordingly, the anticipatory bail application is dismissed as withdrawn as against petitioner no.1.

4. Heard learned counsel for the petitioners as well as learned APP for the State.

5. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 365 and 366 of the IPC in connection with Pusa P.S. Case No.06 of 2023.

6. The learned counsel for the petitioners submit



petitioner no.2 is a person with clean antecedent and being father of Rajeev Kumar came to be implicated in the instant case by the informant with an allegation that his wife had gone to attend nature's call, but then she did not return and thereafter a hectic search was made when informant came to know that his wife was taken by Rajeev Kumar on a Bolero vehicle, thereafter, he went to the house of Rajeev where the petitioners told him that his wife would return in 8-10 days. It is further alleged that when she did not return he again went to the house of the petitioner when he was abused and ousted from his home. It is further submitted that wife of the informant came back and her statement was recorded under Section 164 Cr.P.C. wherein she stated that Rajeev established physical relation in present of the petitioners.

7. It is next submitted that it absolutely does not stand to reason that father would assist his own son in establishing physical relation with a married women.

8. The learned APP opposes the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below



within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Pusa P.S. Case No.06 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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