

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46323 of 2024

Arising Out of PS. Case No.-4 Year-2022 Thana- MAHILA P.S. District- Madhubani

1. Biru Thakur @ Bihran Thakur, Son of Kari Thakur, R/O Village- Mangrauna, Ward No.5, P.S.- Andhratharhi, Distt.- Madhubani.
2. Ramdhan Thakur, Son of Kari Thakur, R/O Village- Mangrauna, Ward No.5, P.S.- Andhratharhi, Distt.- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-07-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Mahila P.S. Case No. 04 of 2022 dated 22.01.2022 registered for the offences punishable under Sections 341, 323, 354A, 354B, 354D, 504, 506/34 of the I.P.C. and Sections 66D and 66E of the I.T. Act.

3. As per the prosecution case, the informant is the resident of village-Mangrauna, P.S. Andhratharhi, District-



Madhubani and her co-villagers Biru Thakur (petitioner no. 1), Ram Prakash Thakur, Om Prakash Thakur and Ramdhan Thakur (petitioner no. 2) kept their evil eyes on her and whenever she went out side the house, they used to chase her, pull her *Dupatta*, caught hold her hand and due to their houses in front of each other, they used to look her and blow whistle and on point, they used to instigate her for illegal work. On social media and facebook by changing the picture alongwith photo by making fake account, they used to exhibit the same, as a result of which, the prestige of her family are being lowered down and due to the aforesaid objectionable photo made on social media, her negotiation of marriage was also broken. It is further alleged that on 17.01.2022, in the morning, while she was returning from the shop, they forcibly stopped her and caught her hand by pulling *Dupatta* and started creating obscene behaviour. By showing her objectionable picture on facebook and social media, they demoralized. On her hulla, the family members and nearby people came and saved her prestige. When she complained about the same to the father of the co-accused Ram Prakash, namely, Arun Thakur, they misbehaved with her and gave threatening that he would not allow her to get marry anywhere. They also slapped her father and brother and they are



the real persons who killed Vikash Kumar Thakur and due to their behaviour he committed suicide and accordingly, she prayed to take legal action against the aforesaid accused persons.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that there was love affair between the informant and Vikash Kumar Thakur, S/O Arun Thakur. It is also relevant to mention here that Arun Thakur is the step-brother of the petitioners. Hence, Vikash Thakur is the own nephew of the petitioners. It is further submitted that the said Vikash Kumar Thakur performed marriage with the informant for which her father had lodged Andhratharhi P.S. Case No. 59/2021 on 14.05.2021 under Sections 363 and 366A of the I.P.C. in which the petitioner no. 1 was also made accused alongwith Arun Thakur who is the father of Vikash Kumar Thakur and the step-brother of the petitioners and other family members of the petitioners. In the said case, the statement of the informant was recorded under Section 164 of the Cr.P.C., in which she has stated that she out of her own will left the house as she was in love with Vikash Kumar Thakur and performed marriage with him in a *Durga Mandir* at Phulparas and on



15.05.2021, she performed court marriage at Phulparas and they started living in a rented house from where her parents brought both of them to Andhrathari. It is further submitted that the said Vikash Kumar Thakur was sent to jail and after his release on bail, the family members of the present informant killed the said Vikash Kumar Thakur for which his father Arun Thakur had lodged Andhratharhi P.S. Case No. 128 of 2021 on 27.11.2021 under Sections 147, 341, 342, 447 and 302 of the I.P.C. It is further submitted that in the present case, police submitted final report showing that the case was mistake of fact. It is further submitted that under the pressure of the informant's family, the informant has lodged the present false case against the petitioners and other family members. The petitioner no. 1 has one criminal antecedent and the petitioner no. 2 has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioners are in custody in this case since 16.03.2024.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, 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 the learned S.D.J.M., Madhubani in connection with Mahila
P.S. Case No. 04 of 2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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