

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51123 of 2024

Arising Out of PS. Case No.-108 Year-2023 Thana- NADI District- Supaul

1. Mukesh Kumar @ Mukesh Kumar Chaupal Son Of Kumar Sharma @ Kumar Chaupal Resident Of Village - Kamrail Tola Bhagwait, Ward No. 05, P.S.- Marauna, District - Supaul
2. Bimla Devi @ Niro Devi Wife Of Mukesh Kumar @ Mukesh Kumar Chaupal @ Mukesh Chaupal Resident Of Village - Kamrail Tola Bhagwait, Ward No. 05, P.S.- Marauna, District - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-08-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 366/34 of the Indian Penal Code.

3. As per prosecution case, all the F.I.R. named accused persons including these petitioners forcibly took away daughter of informant in tempo.

4. Learned counsel appearing for the petitioners submits the F.I.R. has been lodged after delay of 12 days and during course of investigation, police has recovered the victim from the house of her own matrimonial uncle (*mama*). He



further submits that as a matter of fact, maternal uncle of the victim, who is husband of sitting Mukhiya of Gram Panchayat-Kadmaha, has political rivalry with these petitioners and their family members and due to that this false and concocted case has been lodged against these petitioners only with a view to tarnish their image in society. It is next submitted that petitioner No. 1 is husband of petitioner No. 2 and it is highly improbable that petitioner No. 1 would commit such an offence along with his wife. Petitioners claim clean antecedent.

5. However, learned counsel for the State opposed the bail application and submitted that petitioners are named in the F.I.R. with specific accusation that they took away daughter of informant. Victim in her statement recorded under Section 164 Cr.P.C. has specifically stated that these petitioners along with co-accused Nitish Kumar forcibly took her to Bhagat and kept her inside a room where co-accused Nitish Kumar and petitioner No. 1 committed sexual assault with her and petitioner No. 2 was also present there.

6. Considering the statement of victim recorded under Section 164 Cr.P.C., **prayer for anticipatory bail of petitioner No. 1 is refused.** However, since there is no allegation of assault against petitioner No. 2, the **anticipatory bail with regard to**



petitioner No. 2 is allowed and it is ordered that let above named petitioner No. 2 in the event of her arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Supaul in connection with Supaul Nadi P. S. Case No. 108 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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