

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50796 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- BAKHARI District- Begusarai

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1. Bittu Kumar Son of Indrakant Ray @ Indrakant Rai R/O Vill.- Rampur, Ward no. 02, P.s.- Bakhri, (BaKhari), Dist.- Begusarai
 2. Madhu Kumari Wife of Bittu Kumar R/O Vill.- Rampur, Ward no. 02, P.s.- Bakhri, (BaKhari), Dist.- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 24-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 354, 376, 504, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that the case was taken up on 21.08.2024, when case diary was called for, but the same till date has not been received.
4. The Court will not wait endlessly for the case diary and thus proceeds to decide the case on merit based on the allegation as alleged in the FIR and pleadings made in the anticipatory bail application.



5. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant, who is widow of the brother of petitioner no. 1, alleges that on 11.03.2024 at 02:00 PM, her elder brother-in-law, Bittu (petitioner no. 1) called her and when she did not pay any heed to his call, he came and took her in her own room and behaved inappropriately, further his wife always asks her to leave the house and abuses him on daily basis, further Bittu also raped her in her room.

6. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that it is an admitted fact that informant is widow of brother of petitioner no. 1 and there is a dispute in the family with regard to the property. It is also submitted that despite dispute being there in the family, still petitioner no. 1 is taking care of the informant. It is next submitted that it does not appear probable that petitioner no. 1, in presence of his wife and children, would have committed the occurrence in the house. It is next submitted that the informant was examined by the doctor and the doctor did not find any internal and external injury and opined that no evidence of recent sexual assault found on the victim



(Annexure-3). It is also submitted that petitioner no. 1 will not abscond rather will cooperate in the investigation to prove his innocence.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bakhri (Bakhari) P.S. Case No. 79 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner no. 1 (Bittu Kumar) despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when required, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.



10. It is further made clear that if charge of rape is established in the investigation, in that event the present anticipatory bail order shall lose its effect with respect to petitioner no. 1 (Bittu Kumar) only.

11. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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