

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52949 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- SATHI District- West Champaran

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1. Ashish Kumar @ Priyanshu Kumar Son of Devendra Prasad R/V- Katahari, P.S.- Sathi, Dist.- West Champaran
 2. Devendra Prasad Son of Late Jainarayan Prasad R/V- Katahari, P.S.- Sathi, Dist.- West Champaran
 3. Preeti Devi Wife of Devendra Prasad R/V- Katahari, P.S.- Sathi, Dist.- West Champaran
 4. Prince Kumar @ Sonu Kumar @ Sonu Kumar Verma Son of Devendra Prasad R/V- Katahari, P.S.- Sathi, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

- 3 20-11-2024 Learned counsel for the petitioners seeks permission to withdraw the application with regard to petitioner no.1, namely, Ashish Kumar @ Priyanshu Kumar.
2. Permission is accorded.
3. Accordingly, the bail application with regard to petitioner no.1, namely, Ashish Kumar @ Priyanshu Kumar is dismissed as withdrawn.
4. Heard learned counsel for petitioner nos.2 to 4 and learned A.P.P. for the State.
5. Petitioner nos.2 to 4 apprehend their arrest in



connection with Sathi P.S. Case No.77 of 2024 instituted under Sections 376(2)(n), 314 and 506 of the I.P.C.

6. As per prosecution case, petitioner no.1 established physical relationship with the informant against her will and when she became pregnant, the accused persons including petitioner no.1 took the informant to Bettiah and got her pregnancy aborted.

7. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case being the father, mother and brother respectively of the accused Ashish Kumar @ Priyanshu Kumar (petitioner no.1) against whom the allegation is that he (petitioner no.1) has committed rape with the informant on the pretext of solemnizing marriage with her. The allegation against petitioner nos.2 to 4 is that they have cooperated in the abortion of the pregnancy of the informant. It is further submitted that there is no material against the petitioners. In the medical examination of the informant, no sign of sexual assault was found and there is no opinion regarding abortion of the informant as alleged. Petitioner nos.2 to 4 have no criminal antecedent and they undertake to cooperate in the investigation.

8. Learned A.P.P. for the State opposes the prayer for



anticipatory bail.

9. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st, Class, Bettiah, West Champaran in connection with Sathi P.S. Case No.77 of 2024, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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