

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3360 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- MAHILA PS District- Khagaria

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1. Shivnandan Sah @ Shivanandan Prasad Sah son of Late Rameshwar Prasad Sah
 2. Ranju Devi wife of Shivnandan Sah
 3. Shankar Kumar son of Shivnandan Sah
All resident of Mohalla- NAC Road, ward no. 18, P.S. Khagaria Town, Distt. Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Suman Kumari D/o- Vinay Kumar Paswan Moh- Dumri Colony Ps- Chitragupta Nagar Dist- Gupta Nagar Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjeet Kumar Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-08-2024 Heard learned counsel for the appellants and the learned
Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 08.07.2024 passed by the learned Additional Sessions Judge, Ist-cum-Special Judge (SC/ST), Khagaria in connection with Khagaria Mahila P.S. Case No.11 of 2024, instituted for the offences under Sections 376, 323, 341, 342, 324, 506 and 34 of the IPC and Section 3(i)(r)(s)(w), 3(2)(v) of the SC & ST Act, whereby their prayer for grant of anticipatory bail has been rejected.



3. The learned counsel for the appellants submits that appellants are persons with clean antecedent and has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the thrust of the allegation is against Manoj, against whom it is alleged that he on pretext of marriage had called the informant to his house in absence of his family members and thereafter forcibly committed rape, and thereafter threatened that in the event, if the occurrence is disclosed to any one, in that event, the video would be made viral.

4. The learned counsel next submits that appellants being father, mother and brother of Manoj came to be implicated in the instant case only with a view to coerce Manoj into submission.

5. The learned Special P.P. opposes the bail application.

6. Regard being had to the aforesaid submissions, the order dated 08.07.2024 is set aside.

7. The appeal stands allowed.

8. The appellants above named, in the event of their arrest or surrender before the learned court below within a



period of six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ist-cum-Special Judge (SC/ST), Khagaria in connection with Khagaria Mahila P.S. Case No.11 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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