

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80825 of 2023

Arising Out of PS. Case No.-1196 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Pappu Rajak @ Pappu Kumar @ Pappu Kumar Rajak son of Batoran Rajak Village-Panchveer Panchbir Ward.No-9, Ps- Sahebpurkamal Dist- Begusarai
 2. Vishal Kumar @ Bishal Kumar son of Batoran Rajak Village- Panchveer Panchbir Ward No-9, Ps- Sahebpurkamal Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kundan Rajak son of Raja Ram Rajak Village- Kaith Bairrath Ps- Neemachandpur Dist- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with complaint Case No. 1196(C) of 2022 dated 08-07-2022, instituted for the offence punishable under Sections 365, 367, 323, 420, 467, 468, 471, 386 and 506 of the Indian Penal Code, but the cognizance has been taken under Sections 365, 323, 506 and 34 of the IPC

3. The case of prosecution, in short, is that while the complainant along with his brother, namely, Chandan Rajak and one Navin were going to Begusarai on motorcycle, then the



accused persons including the petitioners had forcibly kidnapped him and taken away to village Panchveer and performed his marriage with one Mausam Kumari.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. The petitioners are the brothers of the wife of the complainant. The allegation levelled against the petitioners is totally false and based on concocted facts. The occurrence is said to have taken place on 14-12-2021 whereas, the complaint case has been lodged on 08-07-2022 i.e., about six months after the alleged occurrence. The allegation in the complaint case is falsified in view of the registered marriage between Mausam Kumari and complainant, copy of marriage certificate is annexed as Annexure-2 to bail petition, which reveals that the marriage has been solemnized on 12-12-2021, prior to the alleged occurrence. Lastly, it is submitted that petitioners have no criminal antecedents.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period



of six weeks from today, in connection with Complaint case no. 1196(C) of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM 2nd Class, Begusarai, or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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