

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37415 of 2014

Arising Out of PS.Case No. -129 Year- 2013 Thana -JALALGARH District- PURNIA

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1. Manowwer @ Manowwer Alam, Son of Dabiruddin R/o Village Balwa,
P.S. Jalalgarh, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 26-03-2015

A private complaint was filed against the petitioner and his four members of his family by one Nahida Afreena, daughter of Abdul Kuddus, in the Court of Chief Judicial Magistrate, Purnea. The allegation contained therein is that in the month of January, 2012, the petitioner herein caused the rape of the complainant, and at that time itself he promised to marry her and thereafter he proceeded to Delhi for livelihood and sending money as well as some articles. On 01.05.2013, the petitioner once again is said to have had sexual relationship with the complainant, and that when she raised hue and cry, he was apprehended. The other four persons are said to have come and taken away the petitioner herein. This complaint itself was filed on 30.07.2013.

Apprehending arrest, the petitioner filed an

application for anticipatory bail being ABP No.1233 of 2013 before the Court of Sessions Judge, Purnea. The same was dismissed on 16.08.2014. Hence, this application for grant of anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Normally, this Court would not grant anticipatory bail in cases where offences punishable under Section 376 of the Indian Penal Code are alleged. Extra-ordinary feature of the case is that firstly the alleged victim did not approach the police at any point of time. Secondly, even according to the averments in the private complaint, several times, there was a consensual sex. Thirdly, the complaint was submitted long after the alleged incident.

Under these circumstances, this Court is convinced that the petitioner can be granted anticipatory bail, subject to the condition that he shall attend the police station as and when required for investigation, if ordered by the trial Court.

Hence, the application is allowed. In the event of arrest, the petitioner is directed to be released on bail on furnishing bail-bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned

Chief Judicial Magistrate, Purnea, in connection with Jalalgarh P.S. Case No.129 of 2013, subject to the condition that the petitioner shall attend as and when required, if ordered by the trial Court.

(L. Narasimha Reddy, CJ)

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