

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14561 of 2015

Arising Out of PS.Case No. -362 Year- 2010 Thana -COMPLAINT CASE District- JAMUI

Guddu Roy, Son of Kali Ray

.... Petitioner/s

Versus

1. The State of Bihar
2. Devki Devi, wife of Mahadeo Das

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-05-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 376/34 and 448 of the Indian Penal Code.

Accusation is of establishing forceful physical relationship with the informant by this petitioner and one other co-accused. During investigation, accusation was found false and Final Form was submitted and, subsequently, on protest-cum-complaint, the cognizance has been taken. Considering the same co-accused Ranjeet Das has been granted anticipatory bail vide Criminal Miscellaneous No. 16265 of 2011.

This Court is not inclined to consider the prayer of the petitioner as the protest-cum-complaint was filed in the year 2010 and the co-accused Ranjeet Das was granted anticipatory bail in 2011.

Considering the fact that the petitioner was not sent up for trial, on acceptance of Final Form, subsequently, on protest-cum-complaint the cognizance has been taken and statement made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 362 C of 2010, pending before the learned Judicial Magistrate, 1st Class, Jamui.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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