

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16628 of 2015

Arising Out of PS.Case No. -6 Year- 2005 Thana -AMAS District- GAYA

Prabhu Nath Singh Son of Lal Bahadur Singh, Resident of Village -
Chanda, P.O. Sinha Ghat, Police Station - Barhara, District Bhojpur, Ara.
.... Petitioner/s

Versus

The State of Bihar
.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan, Advocate.

For the Opposite Party/s: Mr. Ram Anurag Singh(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 14-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 120B and 366A of the Indian Penal Code, while this Court, taking into account of defence of the petitioner that the victim girl, namely, Jyoti Kumari is none else but allegedly his own wife and that he has also a son of eight years from the said marriage, was initially inclined to grant anticipatory bail to the petitioner, but it will however refuse to do so because it finds that the police case against the petitioner was filed in the year 2005 and he, being the main accused named in the F.I.R., had neither sought to surrender nor move for anticipatory bail.

Thus, if the petitioner had no apprehension of being arrested in a period of nine years before he filed the application for anticipatory bail in the year 2014, he shall not be now entitled for

grant of privilege of such anticipatory bail at least from this Court.

Learned counsel for the petitioner, however, submits that parties have subsequently compromised the issue and in fact have now also accepted the marriage of the petitioner with the alleged victim girl Jyoti Kumari who is living with the petitioner with their eight years old son.

If that be so, this Court would direct the petitioner to make Jyoti Kumari to appear before the court below and get her statement recorded under Section 164 Cr.P.C. and if the court below is satisfied with such statement of victim girl, it may grant regular bail to the petitioner.

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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