

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38753 of 2014

Arising Out of PS.Case No. -127 Year- 2014 Thana -KHAJEKALLAN District- PATNA

=====

Mani @ Manish Kumar @ Munna, Son of Sri Yogi Rai, Resident of Pyere
Lak Ki Bhatiyari Ki Gali, Sadar Gali, P.S.- Khajekala, Patna City, Distt.-
Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Alok Kumar Sinha, Sr.Adv.
Mr. Bhola Kumar
Mr.Ashish Sinha

For the Opposite Party/s : Mr. Veena Rani Pd., Addl.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 04-03-2015

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered for offences under Sections 376, 506 and 120B of the Indian Penal Code.

Learned senior counsel appearing on behalf of the petitioner submits that in the FIR vide Annexure-1 itself the informant has herself admitted that she was married with the petitioner in a temple on 25.03.2014 and, therefore, no offence under Section 376 of the Indian Penal Code shall be attracted. The other offences, as alleged against the petitioner, are either minor or bailable one. It is further highlighted that the petitioner is a government servant and he is working on the post of police constable.

Be that as it may, in the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of his arrest or surrender in the court below within a

period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City in connection with Khajekala P.S. Case No. 127 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

- (a) One of the bailors shall be a government servant
- (b) the other bailor shall be either his family member or close relation,
- (c) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (d) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Arvind/-

U		T	
---	--	---	--