

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45836 of 2015**

Arising Out of PS.Case No. -264 Year- 2012 Thana -KAHALGAON District- BHAGALPUR

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Shailendra Kumar Pal @ Shailendra Pal @ Lalit Pal Son of Late Devanand Choudhary Resident of village - Jan Mohammadpur, P.S. Kahalgaon, District – Bhagalpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Adv

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

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

2      30-10-2015      Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offence punishable under Section-376 of the Indian Penal Code and the prosecutrix is none else but his own Bhabhi and yet this Court would be inclined to grant the privilege of anticipatory bail to the petitioner because not only the police in course of investigation has found as a whole the case lodged by the informant prosecutrix to be false but also she being in a state of mental illness. As a matter of fact, the police had already submitted its final form but then the learned Magistrate had taken



cognizance by differing with the police report. Mr. Shiwesh Chandra Mishra, also relies on the application filed by the prosecutrix before the Court below as with regard to her filing the First Information Report against the petitioner under the effect of some mental illness.

Thus, for the reasons indicated above, this Court would direct that if the petitioner namely, **Shailendra Kumar Pal** surrenders within a period of four weeks from today, he would 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 **Judicial Magistrate, 1<sup>st</sup> Class, Bhagalpur** in connection with **Kahalgaon P.S. Case No. 264 of 2012 (G.R. No. 2215/2012)**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform

the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

**(Mihir Kumar Jha, J)**

Ranjan/-  

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