

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40193 of 2014

Arising Out of PS.Case No. -542 Year- 2013 Thana -SAHAYAK NAGAR District- KATIHAR

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Kumar Abhinash @ Manish Singh, Son of Sri Chandra Kishore Singh,
Resident of Village – Nagrah, P.S. – Naugachia, District – Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raghvendra Kumar Singh, Advocate.

For the Opposite Party : Mr. Durgesh Nandan(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 04-05-2015 Heard both sides.

The petitioner apprehends his arrest in Katihar Sahayak P.S. Case No. 542 of 2013, registered for the offences punishable under Sections 376, 420 and 406 of the Indian Penal Code.

The informant filed complaint petition alleging therein that her husband is working on the post of Porter. The petitioner on the pretext of giving job in Group-C or Group-D of Indian Railway took Rs. 4,50,000/- and more on different dates from the informant. The informant further alleged that when she demanded money the petitioner threatened her and also committed rape with her.

Learned counsel for the petitioner submits that the petitioner did not take any money from the informant/complainant. Some dispute arose between the borrowing and taking money and

for that the informant filed a case making false allegation under Section 376 of the Indian Penal Code. It is further submitted that from perusal of the case diary itself, it would appear that the informant and her husband issued cheques in the name of Uma Shankar Datta and the cheques were dishonoured, thereafter, Uma Shankar Datta filed a case against the informant and her husband.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that the petitioner always threatened the informant and also committed rape with her.

There appears that there is no paper with regard to payment of money to the petitioner. From perusal of the case diary, it would appear that the husband of the informant received money from different persons and he also undertook to return the same and in lieu thereof issued cheques which bounced.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar

in connection with Katihar Sahayak P.S. Case No. 542 of 2013,
subject to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Prabhat Kumar Jha, J.)

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