

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 902 of 2016

Arising Out of PS.Case No. -41 Year- 2015 Thana -BIHRA District- SAHARSA

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Bijay Mukhiya Son of Chhathu Mukhiya resident of Village- Sihoul, P.S.-
Bihra, District- Saharsa

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. C. Jawahar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 15-02-2016 Heard Sri Amarnath Jha, learned counsel for
petitioners and Sri Choudhary Jawahar, learned Addl. Public
Prosecutor.

The sole petitioner, apprehending his arrest in Bihra
P.S. Case No. 41 of 2015 registered for the offence under Sections
147, 149, 341, 323, 447, 376/511, 380 and 506 of the Indian Penal
Code, has prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioner
that ofcourse in the complaint, it has been alleged that attempt was
made to commit rape with the wife of the complainant, as per
complaint, attempt was made on 03-05-2014, whereas, the
complainant filed complaint case on 03-07-2014 without any
plausible explanation for delay. Prior to lodging of this complaint



from the side of the petitioner i.e. full brother of the petitioner had lodged a complaint on 18-06-2014 against the informant, vide complaint case no. 813 of 2014, in which informant of the present case was made accused besides other. In the present case, complaint was referred to the police under Section 156(3) of the Cr.P.C. and thereafter, present F.I.R. has been lodged. In sum and substance, it has been argued that the petitioner has falsely been implicated by the informant only with a view to put pressure in the complaint case, which was earlier lodged by full brother of the petitioner.

Learned Addl. Public Prosecutor has opposed the prayer for bail. He submits that in the F.I.R. itself, there is specific accusation against the petitioner, however; he was not in a position to explain the reason for filing complaint, vide Complaint Case no. 905 (C) of 2014 on 03-07-2014 for an occurrence, which had taken place on 03-05-2014.

After hearing learned counsel for the parties and perusing the materials available on record, the Court is satisfied that it is a fit case for extending the privilege of anticipatory bail.

Let the petitioner namely Bijay Mukhiya be enlarged on bail in the event of his arrest or surrender before the court below within a period of six weeks from today on furnishing bail-

bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bihra P.S. Case No. 41 of 2015, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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