

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44760 of 2016

Arising Out of PS.Case No. -114 Year- 2005 Thana -BABUBARHI District- MADHUBANI

1. Upendra Sahani son of Late Ram Saran Sahani Resident of Village-
Baruar, Police Station- Babu Barhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Bilash Roy Raman

For the Opposite Party/s : Sri Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 28-10-2016 Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out
of Babu Barhi P.S. Case No. 114 of 2005, disclosing offences
under Section 376 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that for
an occurrence alleged to have taken place on 19.09.2005, the F.I.R
was registered on 20.09.2005. The police is said to have
submitted report finding the case of the prosecution untrue. The
said police report was seen by the learned Magistrate on
07.05.2013. However, subsequently on 28.04.2016, the learned
Court below has taken cognizance of the offence and issued
summons to the petitioner.

Learned counsel for the petitioner has submitted that

since police investigation is complete and the petitioner is ready to appear before the court below as and when required, no purpose would be served if the petitioner is taken into custody. Learned counsel for the petitioner appears to be right in his submission.

Considering the above, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within four weeks from today in the Court below 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 the learned Chief Judicial Magistrate, Madhubani in Babu Barhi P. S. Case No. 114 of 2005(G.R. No. 1519 of 2005), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Court/police, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-c

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