

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7867 of 2016

Arising Out of PS.Case No. -25 Year- 2015 Thana -MAHILA P.S. District- PATNA

1. Manish Kumar @ Manish Sao @ Sonu son of Ganesh Sao @ Ganesh Prasad, resident of Mohalla- Saidpur, Bhikhana Pahari Road, Prem Gali, P.S.- Kadamkuan, Dist.- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar
For the State : Mr. Md. Fahimuddin (App)
For the informant : Smt. Shruti Sinha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 04-04-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Patna Mahila Police Station Case No. 25 of 2015, disclosing offences under Section 376/34 of the Indian Penal Code.

A complaint case filed by the informant is the basis for registration of the First Information Report under Section 156(3) of the Code of Criminal Procedure. The complaint case was filed on 14.01.2015 for an occurrence which is said to have been taken place on 02.10.2014.

From the contents of the complaint petition, it appears that the marriage of the petitioner with the

informant was settled but it could not finally materialize.

Learned Counsel for the petitioner submits that the criminal case has been instituted maliciously and out of vengeance because marriage of the petitioner with the informant could not be performed as the negotiation for marriage failed.

Learned Counsel appearing on behalf of the informant has vehemently opposed the prayer for anticipatory bail and has submitted that despite all possible steps taken by the informant, the police did not register the First Information Report and, therefore, the informant filed the present complaint case on 14.01.2015. She submits that delay in lodging of the complaint case should be a ground for grant of anticipatory bail, in the peculiar facts and circumstances of the case.

However, considering the fact that the complaint petition has been lodged nearly three months after the alleged date of occurrence, this application is allowed.

Let the petitioner, Manish Kumar @ Manish Sao @ Sonu, in the event of his arrest or surrender before the Court below within six weeks, 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 Mrs. Suchitra Singh, learned Judicial Magistrate, 1st Class,

Patna, in connection with Mahila (Patna) Police Station Case No. 25 of 2015, subject to the condition 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 police/Court, 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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---