

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13573 of 2016

Arising Out of PS.Case No. -93 Year- 2013 Thana -MARAUNA District- SUPAUL

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Ram Kisun Sah @ Ram Kishun Sah son of Anup Sah, resident of village-
Marauna, tola Khusiyali, PS Marauna, District Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.13, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-04-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 376/511 and some other allied offences under the Indian Penal Code.

The learned counsel appearing on behalf of the petitioner submits that even if the entire prosecution version is accepted to be true, though not admitted, then also it would hardly be a case under Section 354 of the Indian Penal Code and not under Sections 376/511 of the Indian Penal Code. According to him, both sides are on inimical terms from before due to land dispute and therefore the entire family members of the petitioner have been implicated in the present false case. He further submits that there is no explanation of undue delay of more than two weeks in lodging the first Information Report vide Annexure-1, which creates great doubts about the bona fide of the entire prosecution case.

The learned Additional P.P. appearing on behalf of the State though has opposed the prayer for anticipatory bail, but has not disputed the aforesaid submissions.

Be that as it may, in the facts and circumstances of the case, in the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Marauna P.S.Case No. 93 of 2013, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

- (A) one of the bailors must be a government servant or a close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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