

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44909 of 2016

Arising Out of PS.Case No. -196 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Shyam Kishore Yadav Son of : Bechan Yadav Resident of Village: Kakraul
North, Tola- Kamalpur, Police Station : Rahika, District Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

2 07-12-2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with C.R.
No.196 of 2014 for the offences registered under sections 354 and
379 of the Indian Penal Code.

Originally, Rahika P.S. Case No.70 of 2012 was
registered against the petitioner. The aforesaid case was
investigated by the police and after investigation, police found the
case untrue and, accordingly, final form was submitted but
complainant filed protest petition and the learned court below
proceeded on the protest petition treating the same as complaint
petition and after enquiry, found the prima facie case under
Sections 354 and 379 of the I.P.C.



Submission on behalf of the petitioner is that the complainant brought this false case because prior to institution of Rahika P.S. Case No.70 of 2012, petitioner lodged Rahika P.S. Case No.65 of 2012 against the husband of the complainant and others and accused of the aforesaid Rahika P.S. Case No.65 of 2012 are witnesses in the present complaint petition.

It is further submitted that initially, the court below having enquired into the matter issued summons but the said summon was never served upon the petitioner and without getting any service, the court below issued warrant of arrest against the petitioner and that is the reason, petitioner apprehends his arrest.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner above named, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the A.C.J.M.-I, Madhubani in C.R. No.196 of 2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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