

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56652 of 2015

Arising Out of PS.Case No. -304 Year- 2015 Thana -CHAPRA TOWN District- SARAN

1. Prabhat Kumar Pandey Son of Sushil Kumar Pandey Resident of Village-Gohar Basant, P.S.-Garkha, Dist.-Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Binod Singh

For the Opposite Party/s : Mr. Smt. Sharda Kumari(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 26-02-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Saran Town Police Station Case No. 304 of 2015, disclosing offences under Section 376 of the Indian Penal Code.

A complaint petition, filed by the informant, is the basis of institution of the First Information Report under Section 156 (3) of the Code of Criminal Procedure.

Learned Counsel appearing on behalf of the petitioner submits that on the basis of allegation contained in the complaint petition, no offence under Section 376 of the Indian Penal Code is made out inasmuch as there is no

allegation that the petitioner forcibly established physical relationship with the informant and as per her own assertion, whatever had happened, was with her consent.

I find force in the submissions, so advanced.

This application is accordingly allowed.

Let the petitioner, Prabhat Kumar Pandey, 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 learned Chief Judicial Magistrate, Saran at Chapra, in connection with Saran Town Police Station Case No. 304 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/-

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