

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56808 of 2015

Arising Out of PS.Case No. -174 Year- 2015 Thana -JAGDIHSPUR District- BHOJPUR

1. Mukesh Kumar Choudhary @ Mukesh Choudhary, son of Premsagar Choudhary, @ Dahari Choudhary, resident of Village: Manki, P.S: Bagan, District: Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. P.K. Jha (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 29-02-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Jagdishpur Police Station Case No. 174 of 2015, disclosing offences under Sections 366, 376, 493 and 494 of the Indian Penal Code.

The victim was married to the elder brother of the petitioner. The elder brother of the petitioner died in the month of June, 2011. Allegedly, on false assurance to the victim of marrying her, the petitioner established physical relationship with her and later on, denied to marry. On the basis of allegation to this effect, a complaint case came to be instituted before the Chief Judicial Magistrate,

Ara, by the informant, which was subsequently registered as the First Information Report under Section 156 (3) of the Code of Criminal Procedure.

Learned Counsel for the petitioner submits that no offence under Section 376 of the Indian Penal Code is made out on the basis of the allegation contained in the complaint petition, even if the contents are treated to be true.

Be that as it may, in view of the nature of accusation, this application is allowed.

Let the petitioner, Mukesh Kumar Choudhary @ Mukesh Choudhary, 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 Sri N. K. Srivastava, Judicial Magistrate, 1st Class, Ara, in connection with Jagdishpur Police Station Case No. 174 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.)