

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8285 of 2016

Arising Out of PS. Case No. -29 Year- 2015 Thana -MAHILA P.S. District- PATNA

Shankar Prasad Son of late Narayan Saw Resident of Mohalla- Saristabad,
P.S. Gardanibag, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Chandra Shekhar Prasad, Advocate
For the State : Mr. Jitendra Kr. Singh, APP
For the Informant : Mr. Vivek Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 18-04-2016 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 376, 420 and 324 of the Indian Penal
Code registered in connection with Mahila P.S. Case No. 29 of
2015.

3. It is submitted that the petitioner has been falsely
implicated as even according to the averments in the first
information report, the relationship established with the parties
does not appear to be forcible rather consensual. It is further
submitted that there is inordinate delay of almost two and half
years in instituting the FIR on 20.07.2015 for the alleged
occurrence of 19.03.2013. It is further submitted that the

informant habitually files cases as evident from Budha Colony P.S. Case No. 103 of 2005 alleging kidnapping of the two daughters which was subsequently denied by one of the daughters, namely, Riya Raj, in her statement under Section 164 of the Cr.P.C.

4. Learned counsel for the informant appears suo motu and has been heard.

5. Having regard to the entirety of the facts and circumstances of the case, as such, in the event of the arrest or surrender of the petitioner before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Miss. Suchitra Singh, learned Judicial Magistrate, Ist Class, Patna in connection with Mahila P.S. Case No. 29 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:-

(i) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioner shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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