

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17236 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -BALTHAR District-
WESTCHAMPARAN(BETTIAH)

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Dipu Patel, S/o Suresh Patel, Resident of Village- Bhawra, P.S. Balthar,
District West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate

For the Opposite Party : Mr. Nirmal Kr. Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 05-07-2016

Heard both sides.

The petitioner apprehends his arrest in Balthar P.S.
case no. 03/16 registered under Sections 376, 324, 509 of Indian Penal
Code and Section 27 of Arms Act.

The informant filed complaint on the basis of which,
present F.I.R. is lodged. It is alleged that the petitioner made physical
relation with her in presence of her in-laws and also torture her. It is
submitted that earlier the informant filed Balthar PS case no. 82 of 2014
under Section 376 and other Sections of I.P.C. in which petitioner was
granted anticipatory bail by the order dated 28.04.2015 passed in Cr.
Misc. no. 11689 of 2015. When the petitioner was granted anticipatory
bail, the informant again lodged this case. From the perusal of the
complaint petition itself, it appears that the story is quite unbelievable

as no one can establish physical relation with a girl in presence of his parents.

On the other hand, learned counsel for the informant and learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that from Para 53 onwards of the case diary, the witnesses supported the case of the informant. It appears that the informant established physical relation with the petitioner and when the petitioner refused to oblige the informant, Balthar PS case no. 82 of 2014 was registered. The petitioner got anticipatory bail in that case. Thereafter, the informant again filed the present case, almost with same allegation.

Considering the aforesaid facts, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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, West Champaran at Bettiah in Balthar P.S. case no. 03/16 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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