

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58158 of 2015

Arising Out of PS.Case No. -199 Year- 2015 Thana -RAJAULI District- NAWADA

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1. Santosh Manjhi @ Santosh Kumar, Son of Bhuna Manjhi @ Bhuneshwar Manjhi, Resident of Village- Ghasiyadiah near Pahari, P.S.- Rajauli, District- Nawada.
2. Mahesh Manjhi, Son of Dasrath Manjhi, Resident of Village- Pahari, P.S.- Fatehpur, District- Nawada.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Informant : Mr. Deepak Kumar, Advocate
For the State : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 30-01-2016 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Rajauli P.S. Case No. 199 of 2015, disclosing offences under Sections 366 and 376 of the Indian Penal Code.

This Complaint Case No. 6532 of 2015 lodged in the Court of Chief Judicial Magistrate, Nawada is the basis of institution of the present First Information Report under Section 156(3) of the Cr.P.C.

Learned counsel appearing on behalf of the petitioners

has submitted that the prosecution case as narrated in the complaint case is highly improbable. The informant has falsely implicated these petitioners as is evident from the contents of the complaint case.

Learned counsel appearing on behalf of the informant, on the other hand, would contend that the informant was compelled to file the complaint case as she was ravished by both the petitioners.

I find much substance made on behalf of the petitioners that the prosecution case as narrated in the complaint petition does not inspire much confidence and it appears to be improbable also.

In view of the submission as above, this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 199 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners

shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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