

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5415 of 2016

Arising Out of PS.Case No. -766 Year- 2015 Thana -KHAGARIA District- KHAGARIA

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Shashi Kumar S/o Ashok Ram Resident of village - Sanhauli, P.S.
Chitragupta Nagar, District - Khagaria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 09-03-2016 Heard learned counsel, appearing on behalf of the

petitioner, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

This application for grant of anticipatory bail arises out of
Khagaria (Chitragupta Nagar) P.S. Case No. 766/2015, disclosing
offences under sections 323, 379, 376/34 of the Indian penal Code
and 3(i)(x)(xi)(xii) of SC/ST (P.O.A.) Act.

Learned counsel, appearing on behalf of the petitioner,
submits that the allegation against the petitioner of commission of
rape is palpably false and the prosecution case, as stated in the
complaint petition, which is the basis for institution of the First
Information Report, is palpably false. He further submits that no
offence under section 3(i)(x)(xi)(xii) of the Scheduled Caste and
Scheduled Tribe (Prevention of Atrocities) Act is made out and

the prosecution is apparently malicious and is an abuse of the process of the Court.

After having gone through the contents of the complaint petition, I am prima facie satisfied with the submissions advanced on behalf of the petitioner. This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, 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 the Chief Judicial Magistrate, Khagaria in Khagaria (Chitragupta Nagar) P.S.Case No. 766/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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