

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9200 of 2016

Arising Out of PS.Case No. -147 Year- 2015 Thana -JALALGARH District- PURNIA

1. Siya Ram Swarnkar S/o Bishwanath Swarnkar resident of Village-
Chakhat, P.S.- Jalalgarh, Distt- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Mallick, Advocate
Mr. Sachchida Nand Lal Karn, Advocate
For the informant : Mr. Vinod Kumar
For the State : Md.Aslam Ansari (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 15-05-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Jalalgarh P.S.Case No. 147/2015 registered for offences
punishable under Sections 376 and 511 of the I.P.C.

The prosecution case as lodged on the basis of a written
report to the S.H.O., Jalalgarh P.S. by the informant Meera Devi
on 15.12.2015 alleging therein that the accused Siya Ram
Swarnkar used to look her in a bad sense and on 03.11.2015 Siya
Ram Swarnkar came to her house by motorcycle when she was
alone at her house and caught her and started to insult her in bad
sense and on raising alarm the accused Siya Ram Swarnkar fled
away leaving the motorcycle.

Learned counsel for the petitioner submits that he is

innocent and has been falsely implicated in the aforesaid case. He further submits that he has no criminal antecedent, as is evident from para-3 of this petition and Section 376 of the I.P.C. is not made out against him. Annexure-4 reflects that the matter has been compromised wherein the informant states that the petitioner is her brother.

It has further been submitted that although, the date of occurrence is 03.11.2015 but F.I.R. has been lodged after inordinate delay i.e. on 15.12.2015, which is an after thought.

Learned counsel appearing on behalf of the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since the matter is already compromised and the petitioner has no criminal antecedent, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia in connection with Jalalgarh Case No. 147/2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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