

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26070 of 2018

Arising Out of PS. Case No.-3958 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Rahul Kumar @ Sikandar Kumar, S/o Baliram Prasad, Resident of Village -
Parwalpur, P.S. - Parwalpur District - Nalanda at present village - Kurthaul,
P.S. Parsa Bazar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Vibha Kumari @ Vidya Shakti, daughter of Sri Vishwanath Prasad, resident
of Mohalla - Kanti Market, Naya Tola, P.S. Pirbahore Town, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-05-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehend arrest in Complaint Case
No. 3958(C) of 2016, instituted for the offence under Sections
323,406 of the Indian Penal Code.

It is alleged in the complaint case that complainant
and accused no. 1 Bidya Kumari are own sister. It is further
alleged that the petitioner is driver of Bidya Kumari. It is
alleged in the paragraph 9, 10 and 11 of the complaint case that
this petitioner and other accused persons attempted to take life
of the complainant after pressing her neck with dupatta.

The learned court below after holding enquiry found
primafacie case under Sections 323 and 406 of the IPC.



Learned counsel for the complainant has submitted that this petitioner being a driver of Bidya Kumari gave threat to the complainant to grab her insurance claim in collusion with accused no. 1.

In the complaint petition, this court does not find any specific allegation against the petitioner as submitted by the learned counsel for the complainant.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 3958(C) of 2016, to the satisfaction of the learned ACJM-Xth, Patna, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if



the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that in the event the petitioner commit any overt act with the complainant or give threat, after grant of the anticipatory bail, the complainant will be at liberty to take appropriate action for cancellation of anticipatory bail of the petitioner.

(Sanjay Priya, J)

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