

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68830 of 2018

Arising Out of PS. Case No.-145 Year-2018 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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Rajeev Bhardwaj, Son of Bankeshwar Singh @ Banke Singh, Resident of
Village- Lodipur, Police Station- Bind, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ramanuj Prasad Singh, Son of Late Ramrup Singh, Resident of
Village/Mohalla- Shivpuri, Police Station- Barbigha, District- Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Satyavarat Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioner and learned
counsel for the complainant.

The petitioner seeks pre-arrest bail in connection
with Complaint Case No.145C of 2018 registered for the
offences punishable under Sections 420, 406, 494, 495 and
120B of the Indian Penal Code. Later on cognizance has been
taken for the offence under Section 376(K) (N), 420 and 406
read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that though the complaint was filed under Section 376
(K) (N), 420 and 406 read with 34 of the Indian Penal Code,



cognizance has been taken for the offences punishable under Sections 420, 406, 494 and 495 of the Indian Penal Code. As far as sections 494 and 495 are concerned, it is submitted that those offences are bailable in nature. He further contended that the ingredients of the offence punishable under Sections 406 and 420 of the Indian Penal Code are not attracted.

Per contra, learned counsel for the complainant submitted that the order of cognizance has already been challenged before the Sessions court by way of filing a revision application. According to him, learned Magistrate ought to have taken cognizance for the offence punishable under Section 376(K) and (N).

Having heard the parties and perused the complaint and the statement of the complainant on oath, I am of the opinion that the petitioner deserves to be enlarged on bail.

In that view of the matter, the application is allowed. In the event of arrest or surrender in the court below within a period of six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in connection with Complaint Case No.145 C of 2018 subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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