

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22135 of 2019

Arising Out of PS. Case No.-653 Year-2018 Thana- COMPLAINT CASE District- Banka

DEBRAJ KUNDAN @ KUNDAN @ DEVRAJ KUNDAN, Son of Munna
Ramani R/o village- Chandan Dhobi Tola, P.O.- Chandan, P.S.- Chandan,
District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Devi, Wife of Bhushan Rajak, R/o village- Chandan Dhobi Tola,
P.O.- Chandan, P.S.- Chandan, Distt.- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad
For the Opposite Party/s : Mr.Umeshanand Pandit

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 09-04-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Complaint Case No. 653 of 2018, disclosing offences
under Sections 323, 379 and 376 of the Indian Penal Code.

Learned Counsel appearing on behalf of the petitioner
has submitted that though the complaint petition was filed
alleging commission of offence under Section 376 of the Indian
Penal Code, the learned Court below has taken cognizance
under Sections 323, 380 and 354 of the Indian Penal Code. It
has also been submitted that since there is no question of police
investigation and the prosecution is based on a complaint case,



no tangible purpose is going to be served if the petitioner is taken into custody. Learned Counsel for the petitioner has also submitted that the petitioner shall present himself before the Court below as and when required.

Considering the above submissions, this application is allowed.

Let the petitioner, namely, Debraj Kundan @ Kundan @ Devraj Kundan, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, IInd Class, Banka, in connection with Complaint Case No. 653 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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