

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34787 of 2019

Arising Out of PS. Case No.-179 Year-2019 Thana- DIGHA District- Patna

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MUKESH KUMAR @ ANJAN @ ANJAN KUMAR Son of Lalan Paswan
Resident of Village - Hamidpur Kurji Pool Gate No.80, P.S.- Digha, Dist.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Mrityunjay Kumar
For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Digha P.S. Case NO. 179 of 2019, disclosing offences under Sections 354,376,420/34 of the Indian Penal Code.

It is alleged in the First Information Report that the petitioner had established physical relationship with the informant in the year 2012, on the false assurance of marrying her. It is further alleged that thereafter the informant maintained distance from the petitioner but he again committed rape on her in 2019.

Learned senior counsel appearing on behalf of the petitioner has submitted that the case of the prosecution is highly improbable. He has also submitted that there has been inordinate delay in lodging of the First Information



Report as according to the informant herself, the last occurrence had taken place on 18.03.2019, whereas FIR came to be registered on 27.03.2019.

Learned counsel for the informant has opposed the prayer for anticipatory bail and has argued that considering the seriousness of the offence and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973, the petitioner does not deserve anticipatory bail.

However, considering the nature of allegation in the FIR and statement of the victim recorded under Section 164 of the Cr.P.C., a case for grant of anticipatory bail is made out.

In my opinion, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 learned Sub-Divisional Judicial Magistrate, Patna in Digha P.S. Case No. 1799 of 2019 (G.R. No. 2393/2019), subject to the conditions as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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