

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35623 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- MAHILA PS District- Darbhanga

NITISH KUMAR ROY Son of Mahavir Roy Resident of Village-Mabbi, P.S.-
Mabbi O.P. Sadar, District-Darbhangha.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Chanda Verma, Sr. Adv.

Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr.Surendra Kumar

For the Informant : Mr. Baidya Nath Thakur

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 06-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Mahila P.S.Case no.3of 2019 registered for offences punishable under Sections 376 and 506 of the Indian Penal Code.

Allegation against the petitioner, who happens to be *Dewar* of the informant, is of having forcibly physical relationship and after taking photograph started blackmailing her.

Submission of the learned counsel for the petitioner is that there is inordinate delay in lodging the FIR, moreover there is property dispute between the petitioner and the informant's family as the husband of the informant and the petitioner are step brother and for that earlier he had filed an inflammatory petition before the CJM, Darbhanga and the S.P., Darbhanga and the villagers have also written the same and in the



background of that the present case has been lodged.

Heard learned A.P.P. and the learned counsel for the O.P.no.2, who has opposed the prayer for bail on the ground that the process under Section 83 of the Cr.P.C. has already exhausted, moreover the charge sheet has been submitted against the petitioner showing him absconder..

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the learned court below to examine the above submission of the learned counsel for the informant as to whether the process under Section 83 of the Cr.P.C. has already exhausted and whether the charge-sheet has been submitting showing the petitioner as absconder and if the above submission of the learned counsel for the informant is not found true, he may release the petitioner on bail to his own satisfaction, otherwise the petitioner has to surrender and pray for regular bail.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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