

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39534 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- MANJHAGARH District- Gopalganj

Deepak Sah @ Deepak Kumar Sah, Aged about 23 Years (Male), Son of Shiv Shankar Sah @ Shivshanker Sah, Resident of Village-Koeni, P.S.- Manjhargarh, District-Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dhramveer, Advocate

For the Opposite Party : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 22-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 376 of the Indian Penal Code registered in connection with Manjhagarh P.S. Case No. 41 of 2019.

3. It is submitted that the petitioner has been falsely implicated in a complaint-based FIR and as a matter of fact, there was admitted love affair between the complainant/informant and the petitioner prior to her marriage solemnized on 07.04.2018 with Pradeep Sah, who however ousted the complainant/informant from her matrimonial home as she was pregnant before marriage. It is further submitted that the complainant/informant is major and has stated her age as 25 years. It is therefore submitted that the ingredients of the offence under Section 376 of the IPC are not made out against the petitioner who claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned



Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 41 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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