

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37871 of 2019**

Arising Out of PS. Case No.-51 Year-2019 Thana- KOCHADHAMAN District- Kishanganj

MANOJ KUMAR MALAKAR Son of Narayan Malakar Resident of Village-
Purandah, P.S.-Kochadhaman, District-Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Shyam Bihari Singh

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

ORAL ORDER

2 21-06-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Kochadhaman P.S. Case No. 51 of 2019, disclosing the offence
under Section 376 of the Indian Penal Code.

It is alleged in the FIR that the petitioner had initially
committed rape on the victim at the point of dagger and
subsequent thereto he kept on establishing physical relationship
with her under the assurance of marrying her. Allegedly, the
petitioner refused to marry her in February, 2019, whereafter the
FIR has been lodged.

Learned counsel, appearing on behalf of the
petitioner, has submitted that the case of the prosecution, as
narrated in the FIR, is highly improbable. It has been argued



that, in any event, the petitioner is willing to co-operate with the police in course of investigation by presenting himself before the police as and when required.

Considering the above submission and the nature of allegation, 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 bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 51 of 2019, subject to the condition 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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