

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37833 of 2019**

Arising Out of PS. Case No.-778 Year-2018 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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MANISH KUMAR Son of Late Vijay Singh Resident of Village-Eknar, P.S.-
Hisua, District-Nawada.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Chhoti Devi Wife of Ashish Kumar Resident of Village-Eknar, P.S.-Hisua,
District-Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 20-09-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
Complaint Case No.778/18 , registered for offences punishable
under Sections 420/376 of the Indian Penal Code.

As per the complaint petition the complainant made
allegation against the petitioner that on the assurance that he
will provide job as Asha Worker, the complainant left her house
for Patna along with the petitioner, and he has taken 20,000/-
from her and also having physical relationship with her.

Submission of the learned counsel for the petitioner is
that earlier to that an FIR had been lodged for abduction of



the complainant by the husband of the complainant on 6.8.2018 against petitioner at Hisua Police Station as such the allegation against the petitioner that he has committed rape upon her appears to be false and concocted rather she appears to be consensual party in fleeing away with the petitioner. Further submission is that her statement was also recorded under Section 164 Cr.P.C. in Hisua P.S.Case no.152 of 2018 and she has not made such statement and has not stated anything against the petitioner and on that final form has been submitted in Hisual P.S.Case No.152 of 2018 and now the present case has been lodged with an intention to pressurize the petitioner to marry her.

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 petitioner has committed rape upon her and also cheated Rs.20,000/- from her and it is further submitted that after grant of provisional bail by this Court, the complainant has also threatened her to withdraw the case..

Having heard both sides and in view of the facts and circumstances, as stated above, this application is allowed and the provisional bail granted to the petitioner vide order dated



25.6.2019 is confirmed on the condition that the petitioner shall not in any way try to tamper with the evidence or threaten the informant and her family members.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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