

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57385 of 2019

Arising Out of PS. Case No.-136 Year-2019 Thana- BAHERA District- Darbhanga

CHHOTAKAN MUKHIYA Son of Saryug Mukhiya Resident of Village -
Batho, P.S.- Bahera, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kaushal Kumar Jha
		Mr. Amish Kumar
For the Opposite Party/s :		Mrs. Puspa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Bahera P.S.
Case no. 136/2019 registered under section 376 of the IPC.

Submission on behalf of the petitioner is that
prosecution case is false. In support of submission, petitioner
has placed on record copy of the petition filed by the informant
in the court below wherein she has specifically stated that
actually, the dispute was between children of the informant, and
the petitioner. It is in this connection that she had gone to the
police station for lodging FIR. Taking advantage of the
informant's signature obtained in the police station, the instant
case has been lodged by the police. Accordingly, this court



earlier called for copy of the case diary to see whether any injury has been sustained as per allegation made in the FIR.

Referring to para 29 of the case diary, counsel for the petitioner submits that factually allegations are not corroborated as there is no injury report.

A.P.P has opposed the prayer for bail.

However, A.P.P is not in a position to point out whether injury is manifest from investigation (case diary).

Considering the rival submissions, prayer for anticipatory bail is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga in Bahera P.S. Case no. 136/2019 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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