

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54723 of 2019**

Arising Out of PS. Case No.-2299 Year-2017 Thana- WEST CHAMPARAN
COMPLAINT District- West Champaran

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KRISHNA MURARI PRASAD KUSHWAHA @ MURARI S/o Late Biga Mahto
@ Biga Prasad Kushwaha R/o village- Inerwa, P.S.- Inerwa, District- West
Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. XYZ

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjay Kumar No 7, Advocate.
For the O.P. No. 2 : Mr. Sanjay Kumar Mishra, Advocate.
For the State : Mr. Arun Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 376, 511, 34 of the Indian Penal Code
registered in connection with Complaint Case No. 2299C of 2017.

3. It is submitted that the petitioner has been falsely
implicated in retaliation to Complaint Case No. 2163 of 2016 filed
by the petitioner against the informant/complainant and her
family members (Annexure-4) as far back as on 07.12.2016 itself
and in which cognizance was taken on 24.05.2017 (Annexure-5).
The complainant has falsely stated in answer to the court
question that the petitioner had not filed any case against her or
her husband. There is considerable delay in filing the complaint
on 22.12.2017 for the alleged occurrence of 11.12.2017. The
petitioner claims clean antecedents.



4. Learned counsel for the complainant appears and has been heard. It is submitted that there is specific accusation against the petitioner.

5. 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, Bettiah, West Champaran in connection with Complaint Case No. 2299C of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following 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 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.

(iv) 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.

(Vikash Jain, J)

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