

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68719 of 2019

Arising Out of PS. Case No.-188 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Dharmendra Kumar @ Dharmendra Kumar Singh, aged about 43 years,
(Male) Son of Ram Naresh Singh Resident of Punpun Pakri, Near S.M.D.
College, P.S.-Punpun, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Khushbu Devi Wife of Chandan Ram, Resident of Village-Shahar
Rampur, P.S-Naubatpur, District-Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr.Ashok Kumar, Advocate
For the State : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-11-2019 Heard Mr. Ashok Kumar, learned Advocate for the

petitioner and Mr. Uday Pratap Singh, learned APP for the

State.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 188 (C) of

2019 in which cognizance has been taken under Sections

376, 323 and 504 of the Indian Penal Code.

It has been submitted on behalf of the petitioner

that he has been falsely implicated in this case at the



instance of the complainant on a completely misconceived prosecution. The complaint appears to have been lodged after two days of the occurrence. Moreover, it has also been pointed out that even though the complainant is a resident of Naubatpur but has chosen to file a complaint at Masaurhi. Even in the enquiry under Section 202 of the Cr.P.C., there is a complete variation in the statements of the witnesses offered on behalf of the complainant. A day prior to the lodging of the present complaint, the complainant had filed another case vide Complaint Case No. 993 of 2019 against her husband and others for the offence under Section 498A of the IPC alleging that on 14.04.2019 she had been driven out of the matrimonial home.

Learned Advocate for the petitioner has shown to this Court an order dated 29.08.2019 passed in Cr. Misc. No. 54283 of 2019 in which two of the other accused persons, who are also alleged to have committed rape upon the complainant, have been granted anticipatory bail.

Considering the aforesaid aspect of the matter, the petitioner, above-named, is directed to be released on



bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Masaurhi, Patna in connection with Complaint Case No. 188 (C) of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

The conditions, which have been imposed in the order dated 29.08.2019 passed in Cr. Misc. No. 54283 of 2019, which has been referred to above, will subsist with the petitioner as well.

(Ashutosh Kumar, J)

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