

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1709 of 2020

Arising Out of PS. Case No.-40 Year-2019 Thana- MUNGER COMPLAINT CASE District-
Munger

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DEV KISHORE NAYAK S/o- Tulu Nayak Resident of Village- Pitwar, P.O.-
Datu, P.S.- Kasmar, District- Bokaro, Jharkhand, at present- Working at
Central Industrial Security Force, Home Ministry, Unit Otawhip, Ovara,
District- Sonbhadra, Uttar Pradesh.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Babali Kumari D/o Sri Manoj Sah Resident of Village- Barki Hathia, P.O.
and P.S.- Kharagpur, District- Munger, at present residing at Patel Chowk
Situhar, P.S.- Kharagpur, District- Munger, PIN- 811213, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Nath Rai
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-01-2020 Petitioner seeks bail in anticipation of his arrest in

connection with Complaint Case No. 40C of 2019 instituted for the

offences punishable under Sections 376, 498A, 312, 494/34 of the

Indian Penal Code and Section 4 of POCSO Act.

As per complaint case, there is allegation against the
petitioner that he was in continuous physical relationship with the
complainant and when she asked for marriage he demanded amount.

Submission of learned counsel for the petitioner is that he
is an Assistant Commandant in C.I.S.F. and earlier he lodged
complaint case against complainant and her family members, as they
were demanding money from him and one plea or the other the date
of marriage was extended and further submitted that family members



of the complainant are in habit of lodging such cases and he is a Government servant and he is ready to abide by any condition that may be imposed on him.

Heard learned APP, who has opposed the prayer for anticipatory bail on the ground that there is allegation against the petitioner.

In view of above facts and circumstances and also considering the fact that petitioner is a Government servant, as such there is no chance of his absconding and there is case and counter case between the parties, let petitioner, in the event of surrender, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I, Munger, in connection with Complaint Case No. 40C of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the court concerned and further condition that he has to appear before the trial court as and when required, otherwise his bail bonds shall be cancelled.

(Vinod Kumar Sinha, J)

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