

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8553 of 2020**

Arising Out of PS. Case No.-83 Year-2018 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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CHANDAN KUMAR S/o Sri Arun Sharma Resident of Village-Adhagawan,
P.S.-Meskaur, District-Nawada.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sahin Praveen Wife of Naushad Khan R/o Village-Harla Tola, Vihari Vigha,
P.S.-Meskaur, District-Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in connection with Complaint
Case No 83 of 2018 instituted for the offence punishable under
Section(s) 147, 148, 149, 323, 354B of Indian Penal Code.

The petitioner apprehends his arrest owing to his
implication in the compliant case where the informant alleges
that the petitioner, with the intent of raping her, has taken her
away. The learned counsel for the petitioner submits that even,
as per allegations, no rape has been committed. At best, it is a
failed attempt. Referring to averments made in paragraph 8 of
the petition, he submits that mother of the petitioner has lodged



Sirdalla PS Case No 22 of 2018 on 22.01.2018 for offences registered under Sections 147, 148, 149, 341, 323, 427, 504, 295/153A of IPC and Section 27 of Arms Act against the father-in-law of the informant and others alleging that they have desecrated the Saraswati idol and the prosecution case in the complaint is nothing but a counterblast to the said allegation to coerce the petitioner. Even otherwise, the petitioner has no criminal antecedent. Submission is of false implication.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Nawada in connection with Complaint Case No 83 of 2018 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) 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.

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

(Madhuresh Prasad, J)

M.E.H./-

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